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नई दिल्ली, शनिवार, अगस्त 21, 1993/श्रावण 30, 1915
NEW DELHI, SATURDAY, AUGUST 21, 1993/SRAVANA 30, 1915

इस भाग में मिल पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a
separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

(रक्षा मंत्रालय को छोड़कर) भारत सरकार के मंत्रालयों द्वारा जारी किए गए सांविधिक-आदेश और अधिसूचाएं
Statutory orders and Notification issued by the Ministries of the Government of India
(other than the Ministries of Defence)

विधि और न्याय मंत्रालय
(विधि कार्य विभाग)
न्यायिक प्रभार

सूचना
नई दिल्ली, 13 जुलाई, 1993

का.आ.1767.—नोटरीज नियम, 1956 के नियम 6 के
अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि
श्री संजीव उपाध्याय, एडवोकेट ने उक्त प्राधिकारी को उक्त
नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए
दिया है कि उसे अलवर (राजस्थान) में व्यवसाय करने के
लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आपेक्ष
इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप
से मेरे पास भेजा जाए।

[सं. 5(63)/93-न्यायिक]

पी. सी. कन्नन, सक्षम प्राधिकारी

MINISTRY OF LAW, JUSTICE & COMPANY AFFAIRS
(Department of Legal Affairs)
(Judicial Section)

NOTICE

New Delhi, the 13th July, 1993

S.O. 1767.—Notice is hereby given by the Competent
Authority in pursuance of Rule 6 of the Notaries Act, 1956

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that application has been made to the said Authority, under
Rule 4 of the said Rules, by Shri Sanjeev Upadhyay, Advoca-
cate for appointment as a Notary to practise in Alwar (Rajas-
than).

2. Any objection to the appointment of the said person
as a Notary may be submitted in writing to the undersigned
within fourteen days of the publication of this notice.

[No. F. 5(63)/93-Judl.]

P. C. KANNAN, Competent Authority

सूचना

नई दिल्ली, 19 जुलाई, 1993

का.आ.1768.—नोटरीज नियम, 1956 के नियम 6 के
अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि
श्री (डा.) अमर नाथ मनोचा एडवोकेट के उक्त प्राधिकारी को
उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के
लिए दिया है कि उसे कुरुक्षेत्र (हरियाणा राज्य) में व्यवसाय
करने के लिए नोटरी के रूप नियुक्ति पर किसी भी प्रकार का
आपेक्ष इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित
रूप से मेरे पास भेजा जाए।

[सं. 5(67)/93-न्यायिक]

पी. सी. कन्नन, सक्षम प्राधिकारी

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NOTICE

New Delhi, the 19th July, 1993

S.O. 1768.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Act, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Dr. Amar Nath Manocha, Advocate for appointment as a Notary to practise in Kurukshetra (Haryana).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[No. F. 5(67)/93-Judl.]

P. C. KANNAN, Competent Authority

सूचना

नई दिल्ली, 21 जुलाई, 1993

का. प्रा. 1769.—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री डी. डी. रमैया एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे मेडीकेरी टाउन, कोडागू जिला (कर्नाटक) में व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आक्षेप इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप से भेरे पास भेजा जाए।

[सं. 5(72)/93-न्यायिक]

पी. सी. कण्णन, सक्षम प्राधिकारी

NOTICE

New Delhi, the 21st July, 1993

S.O. 1769.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Act, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Shri D. D. Ramaiah, Advocate for appointment as a Notary to practise in Medikeri town, District Kodagu (Karnataka).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[No. F. 5(72)/93-Judl.]

P. C. KANNAN, Competent Authority

सूचना

नई दिल्ली, 29 जुलाई, 1993

का. प्रा. 1770.—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री जी. एस. हेगड़े, एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे थाने, (महाराष्ट्र) में व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आक्षेप इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप से भेरे पास भेजा जाए।

[सं. 5(78)/93-न्यायिक]

पी. सी. कण्णन, सक्षम प्राधिकारी

NOTICE

New Delhi, the 29th July, 1993

S.O. 1770.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Act, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Shri G. S. Hegde, Advocate for appointment as a Notary to practise in Thane (Maharashtra).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[No. F. 5(78)/93-Judl.]

P. C. KANNAN, Competent Authority

सूचना

नई दिल्ली, 30 जुलाई, 1993

का. प्रा. 1771.—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री सी. वी. बंगाली एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे गण्डवी तालुका, बड़साड़ जिला, (गुजरात) व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आक्षेप इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप से भेरे पास भेजा जाए।

[सं. 5(81)/93-न्यायिक]

पी. सी. कण्णन, सक्षम प्राधिकारी

NOTICE

New Delhi, the 30th July, 1993

S.O. 1771.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Act, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Shri C. V. Bengali, Advocate for appointment as a Notary to practise in Gandevi Taluka, District Valsad, Gujarat.

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[No. F. 5(81)/93-Judl.]

P. C. KANNAN, Competent Authority

सूचना

नई दिल्ली, 30 जुलाई, 1993

का. प्रा. 1772.—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री परमवीर चौहान, एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे थानेश्वर, सब डिवीजन, कुरुक्षेत्र जिला (हरियाणा) व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आक्षेप इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप से भेरे पास भेजा जाए।

[सं. 5(79)/93-न्यायिक]

पी. सी. कण्णन, सक्षम प्राधिकारी

NOTICE

New Delhi, the 30th July, 1993

S.O. 1772.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Act, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Param Vir Chauhan, Advocate for appointment as a Notary to practise in Thaneshwar, Sub-Division, District Kurukshetra (Haryana).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[No. F. 5(79)/93-Judl.]

P. C. KANNAN, Competent Authority

सूचना

नई दिल्ली, 30 जून, 1993

का. आ.1773.—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री अलोक कुमार सिन्हा एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे बंगाल राज्य में व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आपेक्ष इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप से मेरे पास भेजा जाए।

[सं. 5(57)/93-न्यायिक]

पी. सी. कण्णन, सक्षम प्राधिकारी

NOTICE

New Delhi, the 30th June, 1993

S.O. 1773.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Act, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Shri Alok Kumar Sinha, Advocate for appointment as a Notary to practise in State of West Bengal.

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[No. F. 5(57)/93-Judl.]

P. C. KANNAN, Competent Authority

सूचना

नई दिल्ली, 30 जून, 1993

का. आ.1774.—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री रघुबीर सिंह एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे फगवाड़ा, कपूरथला जिला (पंजाब) में व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आपेक्ष इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप से मेरे पास भेजा जाए।

[सं. 5(80)/93-न्यायिक]

पी. सी. कण्णन, सक्षम प्राधिकारी

NOTICE

New Delhi, the 30th July, 1993

S.O. 1774.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Act, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Shri Raghubir Singh, Advocate for appointment as a Notary to practise in Phagwara, District Kapurthala (Punjab).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[No. F. 5(80)/93-Judl.]

P. C. KANNAN, Competent Authority

वित्त मंत्रालय

(राजस्व विभाग)

(आयकर)

नई दिल्ली, 7 जून, 1993

का. आ.1775.—व्याज कर अधिनियम, 1974 (1974 का 45) की धारा 28 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सफारिश पर इस अभिमत के आधार पर कि जनहित में ऐसा किया जाना आवश्यक तथा उचित है, विदेशी ऋणदाताओं द्वारा भारत से बाहर पाटियों को मंजूर किए गए तथा उनके द्वारा प्राप्त किए गए विदेशी मुद्रा ऋणों पर व्याज के संबंध में व्याज कर आयद किए जाने से एतद्वारा छूट प्रदान करती है।

[अधिसूचना संख्या 9301/ फा. सं. 160/22/92-आ.कर.-नि.-1]

जी. मुत्तुरामाकृष्णन, निदेशक

MINISTRY OF FINANCE

(Department of Revenue)

(INCOME-TAX)

New Delhi, the 7th June, 1993

S.O. 1775.—In exercise of the powers conferred by Section 28 of the Interest Tax Act, 1974 (45 of 1974), the Central Government, on the recommendation of the Reserve Bank of India, being of the opinion that it is necessary and expedient so to do in the public interest, hereby exempts the interest on foreign currency loans by foreign lenders granted to, and received by, Indian parties outside India from the levy of interest-tax.

[Notification No. 9301/F. No. 160/22/92-ITA-I]

G. MUTHURAMAKRISHNAN, Director

आदेश

नई दिल्ली, 6 अगस्त, 1993

का. आ.1776.—भारत सरकार के संयुक्त सचिव ने, जिसे विदेशी मुद्रा संरक्षण और तस्करी निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उपधारा (1) के अधीन विशेष रूप से सशक्त किया गया है, उक्त उपधारा के अधीन आदेश फा. सं. 673/32/93-सी. शु.-8 तारीख 31-3-93 को यह निदेश देते हुए जारी किया था कि श्री सतीश सुपुत्र श्री वेद प्रकाश, निवासी बी-31 ए, सोती नगर, नई दिल्ली को निरुद्ध कर लिया जाए और केन्द्रीय कारागार, तिहाड़, नई दिल्ली में अभिरक्षा में रखा जाए ताकि उसे भविष्य में माल की तस्करी करने से रोका जा सके।

2. केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या अपने को छिपा रहा है जिससे उक्त आदेश का निष्पादन नहीं हो सके;

3. प्रत्येक केन्द्रीय सरकार, उक्त अधिनियम की धारा 7 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि पूर्वोक्त व्यक्ति इन आदेश के राजपत्र में प्रकाशन के 7 दिन के भीतर पुलिस आयुक्त दिल्ली के समक्ष हाजिर हो।

[फा. सं. 673/32/93-सी. शु.-8]

जे. एल. साहनी, प्रवर सचिव

ORDER

New Delhi, the 6th August, 1993

S.O. 1776.—Whereas the Joint Secretary to the Government of India, specially empowered under sub-section (1) of Section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974) issued order F. No. 673/32/93-Cus. VIII dated 31-3-1993 under the said sub-section directing that Shri Satish, S/o Shri Ved Prakash, resident of B-31A, Moti Nagar, New Delhi, be detained and kept in custody in the Central Jail, Tihar, New Delhi with a view to preventing him from smuggling goods in future.

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or concealing himself so that the order cannot be executed;

3. Now, therefore, in exercise of power conferred by Clause (b) of sub-section (1) of Section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Commissioner of Police, Delhi, within 7 days of the publication of the order in the official Gazette.

[F. No. 673/32/93-Cus. VIII]

J. L. SAWHNEY, Under Secy.

(आर्थिक कार्य विभाग)

(बैंकिंग प्रभाग)

नई दिल्ली, 28 जुलाई, 1993

क्र.प्र. 1777.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 56 के साथ पठित धारा 53 द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार भारतीय रिजर्व बैंक की सिफारिश पर घोषणा करती है कि अक्त अधिनियम की धारा 11 की उपधारा 1 के उपबंध आगरा डिस्ट्रिक्ट को-ऑपरेटिव बैंक लि. आगरा पर सरकारी राजस्व में इस अधिसूचना के प्रकाशन की तारीख से 31 मार्च, 1995 तक की अवधि के बास्ते लागू नहीं होंगे।

[एफ.सं. 6-1/93-ए सी]

सो.जी. प्रसाद, अवर सचिव

(Department of Economic Affairs)

(Banking Division)

New Delhi, the 28th July, 1993

S.O. 1777.—In exercise of the powers conferred by section 53 read with Section 56 of the Banking Regulation Act, 1949 (10 of 1949) the Central Government on the recommendations of the Reserve Bank of India declares that the provisions of sub-section (1) of Section 11 of the said Act shall not apply to the Agra District Cooperative Bank Ltd., Agra from the date of publication of this notification in the Official Gazette to 31 March 1995.

[F. No. 6(1)/93-AC]

C. B. PRASAD, Under Secy.

(व्यय विभाग)

(ई.जी. आर)

नई दिल्ली, 29 जुलाई, 1993

क्र.प्र. 1778.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उपनियम (4) के अनुसरण में भारतीय लेखापरीक्षा और लेखा विभाग के निम्नलिखित कार्यालयों को जिनके कर्मचारीबृन्द ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है:—

1. महा निदेशक, लेखापरीक्षा, केन्द्रीय राजस्व, नई दिल्ली।
2. प्रधान निदेशक, लेखापरीक्षा, दिल्ली/नई दिल्ली।
3. प्रधान निदेशक, लेखापरीक्षा, आर्थिक एवं सेवा संजालय, नई दिल्ली।
4. प्रधान निदेशक, लेखापरीक्षा, वैधानिक विभाग, नई दिल्ली।

5. महालेखाकार (लेखापरीक्षा)-I, राजस्थान, जयपुर
6. महालेखाकार (लेखापरीक्षा)-II राजस्थान, जयपुर
7. उप निदेशक, लेखापरीक्षा, डाक और तार संचार, लखनऊ।
8. प्रधान निदेशक, लेखापरीक्षा, उत्तर रेल, नई दिल्ली।
9. प्रधान निदेशक, लेखापरीक्षा, पूर्वोत्तर रेल, बोरखपुर।
10. प्रधान निदेशक, लेखापरीक्षा, डाक और तार, दिल्ली।
11. निदेशक, लेखापरीक्षा, डाक और तार, नई दिल्ली।
12. निदेशक, लेखापरीक्षा, रक्षा सेवाएं, मध्य कमान, मेरठ।
13. उप निदेशक लेखापरीक्षा, रक्षा सेवाएं, मध्य कमान, इलाहाबाद।
14. उप निदेशक लेखापरीक्षा, पूर्वी कमान, रक्षा सेवाएं, पटना।
15. निदेशक लेखापरीक्षा, रक्षा सेवाएं, पश्चिम कमान, चण्डीगढ़।
16. उप निदेशक, लेखापरीक्षा, वायु सेना, देहरादून।
17. प्रधान निदेशक, वाणिज्यिक लेखापरीक्षा और पदेन सदस्य, लेखापरीक्षा बोर्ड I, नई दिल्ली।
18. प्रधान निदेशक, वाणिज्यिक लेखापरीक्षा और पदेन सदस्य, लेखापरीक्षा बोर्ड I, नई दिल्ली।
19. प्रधान निदेशक वाणिज्यिक लेखापरीक्षा और पदेन सदस्य, लेखापरीक्षा बोर्ड III, नई दिल्ली।
20. निदेशक, वाणिज्यिक लेखापरीक्षा, देहरादून।
21. प्रधान निदेशक, वाणिज्यिक लेखापरीक्षा और पदेन सदस्य, लेखापरीक्षा बोर्ड I, मुम्बई।
22. प्रधान निदेशक, वाणिज्यिक लेखापरीक्षा और पदेन सदस्य, लेखापरीक्षा बोर्ड II, मुम्बई।
23. प्रधान निदेशक, लेखापरीक्षा (खाद्य), नई दिल्ली।
24. प्रादेशिक लेखापरीक्षा अधिकारी (खाद्य), लखनऊ।
25. लेखापरीक्षा अधिकारी, डाक और तार, पटना।
26. लेखापरीक्षा अधिकारी, डाक और तार, जयपुर।
27. प्रधान निदेशक, लेखापरीक्षा, वायु सेना और नौसेना, नई दिल्ली।
28. प्रधान निदेशक, वाणिज्यिक लेखापरीक्षा और पदेन सदस्य, लेखापरीक्षा बोर्ड, रांची।
29. राष्ट्रीय लेखापरीक्षा और लेखा प्रकाशनी, त्रिपुरा
30. प्रधान निदेशक, लेखापरीक्षा (केन्द्रीय), मुम्बई।
31. महालेखाकार (वाणिज्यिक लेखापरीक्षा) महाराष्ट्र, मुम्बई।
32. निदेशक लेखापरीक्षा वैधानिक विभाग, मुम्बई।
33. उप निदेशक, लेखापरीक्षा, डाक और तार, नागपुर।
34. प्रधान निदेशक, लेखापरीक्षा मध्य रेल, मुम्बई।
35. निदेशक लेखापरीक्षा, वायु सेना और नौसेना, मुम्बई।
36. उप निदेशक, लेखापरीक्षा, ऑडिनेन्स कारखाने, किरकी।
37. प्रधान निदेशक, लेखापरीक्षा, पश्चिम रेल, मुम्बई।
38. प्रधान निदेशक, लेखापरीक्षा ऑडिनेन्स कारखाने, फलकता।
39. उप निदेशक, लेखापरीक्षा, डीजल लोकोमोटिव वर्क्स, वाराणसी।
40. उप निदेशक, लेखापरीक्षा, डाक और तार, कपूरथला।
41. उप निदेशक, वाणिज्यिक लेखापरीक्षा, बोंकारो।
42. निदेशक, वाणिज्यिक लेखापरीक्षा, राउरकेला।
43. प्रधान निदेशक, लेखापरीक्षा, पूर्वोत्तर सीमांत रेल मालीगांव, गृहाहटी।
44. डाक और तार लेखापरीक्षा कार्यालय, भोपाल।
45. निदेशक लेखापरीक्षा, रक्षा सेवाएं पश्चिम कमान, पुणे।
46. क्षेत्रीय लेखापरीक्षा अधिकारी (खाद्य), भोपाल।
47. क्षेत्रीय लेखापरीक्षा अधिकारी (खाद्य), चण्डीगढ़।

[सं. सी 11021/1/93-ईजी]

अनुराधा प्रसाद, अवर सचिव

अनुबन्ध (क)			
क्रम सं.	कार्यालय जिस नाम से अधिसूचित किया गया	अधिसूचना संख्या तथा दिनांक	कार्यालय जिस नाम से अब अधिसूचित किया जा रहा है
1	2	3	4
क-1.	निदेशक लेखापरीक्षा, केन्द्रीय राजस्व-I, नई दिल्ली	सी-11021/2/87-ई.जी.-1, तारीख 5 अक्टूबर, 1987	महानिदेशक लेखापरीक्षा केन्द्रीय राजस्व, नई दिल्ली
2.	निदेशक लेखापरीक्षा, केन्द्रीय राजस्व-II, नई दिल्ली।	—यथोक्त—	प्रधान निदेशक लेखा परीक्षा, दिल्ली नई दिल्ली।
3.	निदेशक लेखा परीक्षा-1, वाणिज्यिक निर्माण कार्य और विविध नई दिल्ली।	—यथोक्त—	प्रधान निदेशक, लेखापरीक्षा, आर्थिक और सेवा मंत्रालय, नई दिल्ली
4.	निदेशक लेखा परीक्षा, वाणिज्यिक निर्माण कार्य और प्रकीर्ण, नई दिल्ली।	—	प्रधान निदेशक लेखा परीक्षा, वैज्ञानिक विभाग, नई दिल्ली
5.	महालेखाकार (परीक्षा), राजस्थान, जयपुर	सी-11021/1/85-ई.जी.-I, अगस्त, 1985	(1) महालेखाकार (लेखा परीक्षा)-I, राजस्थान, जयपुर (II) महालेखाकार (लेखापरीक्षा) II, राजस्थान, जयपुर।
6.	उप मुख्य लेखापरीक्षा, डाक तार, लखनऊ	11019/1/78-ई.जी., तारीख 25-9-78	उप निदेशक लेखापरीक्षा, डाक और दूर संचार, लखनऊ।
7.	मुख्य लेखा परीक्षक,, उत्तर रेंज, नई दिल्ली	ए-11019/19/1/78-ई.जी. तारीख 3-1-79	प्रधान निदेशक लेखापरीक्षा, उत्तर रेंज, नई दिल्ली
8.	मुख्य लेखा परीक्षक, गोरखपुर	—यथोक्त—	प्रधान निदेशक लेखापरीक्षा पूर्वोत्तर रेंज, गोरखपुर
9.	मुख्य लेखा परीक्षक, डाक और तार, दिल्ली।	—	(i) प्रधान निदेशक, लेखा परीक्षा, डाक और तार, दिल्ली (ii) निदेशक लेखापरीक्षा डाक और दूर संचार, नई दिल्ली
10.	ज्येष्ठ उप निदेशक, लेखा परीक्षा रक्षा सेवाएं, मध्य कमान, मेरठ	—यथोक्त—	निदेशक लेखापरीक्षा, रक्षा सेवाएं, मध्य कमान, मेरठ
11.	लेखा परीक्षा अधिकारी, रक्षा सेवाएं, इलाहाबाद	—	उप निदेशक लेखापरीक्षा रक्षा सेवाएं, मध्य कमान, इलाहाबाद।
12.क	ज्येष्ठ उप निदेशक लेखापरीक्षा, रक्षा सेवाएं, पटना।	—	उप निदेशक लेखापरीक्षा रक्षा सेवाएं, पूर्वी कमान, पटना
13.ख	संयुक्त निदेशक लेखा परीक्षा रक्षा सेवाएं, षण्डीगढ़।	सी-11021/2/87-ई.जी.-1, तारीख 3 अक्टूबर, 1987	निदेशक लेखा परीक्षा रक्षा सेवाएं, पश्चिम कमान, षण्डीगढ़
14.	—	—	उप निदेशक लेखापरीक्षा, वायु सेना, देहरादून

1	2	3	4
15.	सदस्य लेखापरीक्षा बोर्ड, और पदेन निदेशक वाणिज्यिक लेखापरीक्षा-I, नई दिल्ली	सी-11021/2/87-ई.जी.-1, तारीख 3 दिसम्बर, 1987	प्रधान निदेशक वाणिज्यिक लेखापरीक्षा और पदेन सदस्य, लेखापरीक्षा बोर्ड-I, नई दिल्ली
16.	सदस्य लेखापरीक्षा बोर्ड, और पदेन निदेशक वाणिज्यिक लेखापरीक्षा-II, नई दिल्ली	—यथोक्त—	प्रधान निदेशक वाणिज्यिक लेखापरीक्षा और पदेन सदस्य लेखापरीक्षा बोर्ड-II, नई दिल्ली
17.	सदस्य लेखापरीक्षा बोर्ड, और पदेन निदेशक वाणिज्यिक लेखा- परीक्षा-III, नई दिल्ली	—	प्रधान निदेशक वाणिज्यिक लेखापरीक्षा और पदेन सदस्य लेखापरीक्षा बोर्ड-III, नई दिल्ली
18.	संयुक्त निदेशक, वाणिज्यिक लेखापरीक्षा, देहरादून ।	—	निदेशक वाणिज्यिक लेखापरीक्षा, देहरादून
म 19.	सदस्य लेखापरीक्षा बोर्ड, और पदेन निदेशक वाणिज्यिक लेखा परीक्षा-I, मुम्बई ।	—	प्रधान निदेशक वाणिज्यिक लेखापरीक्षा और पदेन सदस्य लेखापरीक्षा बोर्ड-I, मुम्बई
क 20.	सदस्य लेखापरीक्षा बोर्ड, और पदेन निदेशक, वाणिज्यिक लेखा- परीक्षा-II, मुम्बई	—यथोक्त—	प्रधान निदेशक, वाणिज्यिक लेखापरीक्षा और पदेन सदस्य, लेखापरीक्षा बोर्ड-II, मुम्बई ।
क 21.	निदेशक, लेखापरीक्षा खाद्य, नई दिल्ली	ए-11019/1/79-ई.जी., तारीख 18-9-79	प्रधान निदेशक लेखापरीक्षा (खाद्य), नई दिल्ली
22.	प्रंतीय लेखापरीक्षा कार्यालय, खाद्य, लखनऊ ।	—यथोक्त—	प्रादेशिक लेखापरीक्षा अधिकारी (खाद्य), लखनऊ
23.	लेखापरीक्षा कार्यालय, डाक तार, पटना ।	ए-11019/1/78, ई.जी.-I, तारीख 25-9-78	लेखापरीक्षा अधिकारी, डाक और तार, पटना ।
24.	कार्यालय उप मुख्य लेखापरीक्षा, डाक और तार, जयपुर ।	—यथोक्त—	प्रभारी लेखापरीक्षा अधिकारी, डाक और तार, जयपुर ।
25.	निदेशक, लेखापरीक्षा, रक्षा सेवाएँ-II, नई दिल्ली ।	तारीख 5-10-1987	प्रधान निदेशक, लेखापरीक्षा वायु सेवा और नौसेना, नई दिल्ली ।
26.	सदस्य लेखापरीक्षा बोर्ड, और पदेन निदेशक, वाणिज्यिक लेखापरीक्षा, रांची	ए-11019/1/79-ई.जी., तारीख 30-1-79	प्रधान निदेशक वाणिज्यिक लेखापरीक्षा और पदेन सदस्य, लेखापरीक्षा बोर्ड, रांची
27.	निदेशक, भारतीय लेखा तथा लेखा- परीक्षा स्टाफ कालेज, शिमला ।	—यथोक्त—	राष्ट्रीय लेखा तथा लेखापरीक्षा शकादमी, शिमला ।
ख 28.	निदेशक लेखापरीक्षा, केन्द्रीय मुम्बई ।	ए-11019/2/82-ई.जी.-I, तारीख 6-1-83	प्रधान निदेशक, लेखापरीक्षा, (केन्द्रीय), मुम्बई ।
29.	महालेखाकार महाराष्ट्र, वाणिज्यिक लेखापरीक्षा, मुम्बई ।	सी-11021/2/87-ई.जी.-I, तारीख 5-10-87	महालेखाकार (वाणिज्यिक लेखापरीक्षा), महाराष्ट्र मुम्बई ।
30.	निदेशक, वाणिज्यिक लेखापरीक्षा, निर्माण कार्य और प्रकीर्ण, नई दिल्ली का शाखा कार्यालय, मुम्बई ।	सी-11021/4/82, ई.जी., तारीख 6-1-83	निदेशक लेखापरीक्षा, वैज्ञानिक विभाग, मुम्बई ।

1	2	3	4
31.क	डाक और तार, लेखा परीक्षा कार्यालय, नागपुर	सी-11021/3/82-ई.जी., तारीख 6-1-83	उप निदेशक लेखापरीक्षा, डाक और तार, नागपुर
32.	निदेशक लेखा परीक्षा, मध्य रेल, मुम्बई	-यथोक्त-	प्रधान निदेशक लेखापरीक्षा, मध्य रेल, मुम्बई
33.	---	---	निदेशक, लेखापरीक्षा, वायु और सेना, और नौसेना, मुम्बई
34.	---	---	उपनिदेशक लेखापरीक्षा, आयुध फैक्टरी, किरकी, पूना
35.	निदेशक लेखा परीक्षा, पश्चिम रेल, मुम्बई	सी-11021/3/82-ई.जी., तारीख 6-1-83	प्रधान निदेशक लेखापरीक्षा पश्चिम रेल, मुम्बई
36.ग	---	---	प्रधान निदेशक लेखा परीक्षा, आयुध कारखाने कलकत्ता
37.क	---	---	उपनिदेशक लेखा परीक्षा डीजल लोको- मोटिव वर्क्स वाराणसी।
38.ख	उप निदेशक (लेखा परीक्षा) डाक और तार, कपूरथला	सी-11021/2/87-ई.जी.-1, तारीख 5-10-87	उपनिदेशक, लेखापरीक्षा डाक और तार, कपूरथला
39.क	संयुक्त निदेशक, वाणिज्यिक लेखा- परीक्षा, बोकारो	-यथोक्त-	उपनिदेशक, वाणिज्यिक लेखापरीक्षा, बोकारो
40.	संयुक्त निदेशक, वाणिज्यिक लेखा- परीक्षा, राउरकेला	-यथोक्त-	उपनिदेशक वाणिज्यिक लेखापरीक्षा राउरकेला
41.ग	निदेशक लेखापरीक्षा पूर्वोत्तर रेल, मालीगांव	-यथोक्त-	प्रधान निदेशक लेखापरीक्षा पूर्वोत्तर सीमांत रेल, मालीगांव, गुहाबटी
42.क	---	---	डाक और तार लेखापरीक्षा कार्यालय, भोपाल
43.ख	---	---	निदेशक, लेखापरीक्षा रक्षा सेवाएं, दक्षिण कमान, पूना
44.क	---	---	क्षेत्रीय लेखापरीक्षा अधिकारी (खाद्य), भोपाल
45.ख	---	---	क्षेत्रीय लेखापरीक्षा अधिकारी (खाद्य) चण्डीगढ़

(Department of Expenditure)

(E.G. Branch)

New Delhi, the 29th July, 1993

S.O. 1778.—In pursuance of sub-rule 4 of rule 10 of the Official Languages (Use for Official Purposes of the Union) Rules, 1976, the Central Government hereby notifies the following offices of the Indian Audit & Accounts Department, the staff whereof have acquired the working knowledge of Hindi:—

1. Director General of Audit, Central Revenue, New Delhi.
2. Principal Director of Audit, Delhi/New Delhi.
3. Principal Director of Audit, Economic and Service Ministries, New Delhi.

4. Principal Director of Audit, Scientific Departments, New Delhi.

5. Accountant General (Audit)—I, Rajasthan, Jaipur.

6. Accountant General (Audit)—II, Rajasthan, Jaipur.

7. Deputy Director of Audit, Post and Telecommunication, Lucknow.

8. Principal Director of Audit, Northern Railway, New Delhi.

9. Principal Director of Audit, North Eastern Railway, Gorakhpur.

10. Principal Director of Audit Post and Telegraph, Delhi.

11. Director of Audit, Post and Telegraph, New Delhi.

12. Director of Audit, Defence Service, Central Command, Meerut.

13. Deputy Director of Audit, Defence Services, Central Command, Allahabad.
14. Deputy Director of Audit, Defence Services, Eastern Command Patna.
15. Director of Audit, Defence Services, Western Command, Chandigarh.
16. Deputy Director, of Audit, Air Force, Dehradun.
17. Principal Director of Commercial Audit and Ex-Officio Member, Audit Board I, New Delhi.
18. Principal Director of Commercial Audit and Ex-Officio Member, Audit Board-II, New Delhi.
19. Principal Director of Commercial Audit and Ex-Officio Member, Audit Board III, New Delhi.
20. Director of Commercial Audit, Dehradun.
21. Principal Director of Commercial Audit and Ex-Officio Member, Audit Board-I, Bombay.
22. Principal Director of Commercial Audit and Ex-Officio Member, Audit Board-II, Bombay.
23. Principal Director of Audit (Food), New Delhi.
24. Regional Audit Officer (Food), Lucknow.
25. Audit Officer, Post and Telegraph, Patna.
26. Audit Officer, Post and Telegraph, Jaipur.
27. Principal Director of Audit, Air Force and Navy, New Delhi.
28. Principal Director of Commercial Audit and Ex-Officio Member, Audit Board, Ranchi.
29. National Academy of Audit and Accounts, Shimla.
30. Principal Director of Audit (Central), Bombay.
31. Account General (Commercial Audit), Maharashtra, Bombay.
32. Director of Audit, Scientific Department, Bombay.
33. Deputy Director of Audit, Post and Telegraph, Nagpur.
34. Principal Director of Audit, Central Railways, Bombay.
35. Director of Audit, Air Force and Navy, Bombay.
36. Deputy Director of Audit, Ordnance Factories, Kirkee.
37. Principal Director of Audit, Western Railways, Bombay.
38. Principal Director of Audit, Ordnance Factories, Calcutta.
39. Deputy Director of Audit, Diesel Locomotive Works, Varanasi.
40. Deputy Director of Audit, Post and Telegraph, Kapurthala.
41. Deputy Director of Commercial Audit, Bokaro.
42. Director of Commercial Audit, Rourkela.
43. Principal Director of Audit, North-Eastern Frontier Railway, Maligaon, Guwahati.
44. Post and Telegraph Audit Office, Bhopal.
45. Director of Audit, Defence Services, Southern Command, Poona.
46. Regional Audit Officer (Food), Bhopal.
47. Regional Audit Officer (Food), Chandigarh.

[No. C-11021/1/93-EG]

ANURADHA PRASAD, Under Secy.

ANNEXURE 'A'

S. No	Name by which the office was notified	Notification No. & date	Name by which the office is being notified now
1	2	3	4
A 1.	Director of Audit Central Revenue I, New Delhi.	C-11021/2/87EG I dt. 5-10-1987	Director General of Audit, Central Revenue New Delhi.
2.	Director of Audit, Central Revenues-II New Delhi.	-do-	Principal Director of Audit, Delhi, New Delhi.
3.	Director of Audit, Commerce Works and Miscellaneous-I, New Delhi.	-do-	Principal Director of Audit, Economic and Service Ministries, New Delhi.
4.	Director of Audit, Commerce Works and Miscellaneous II New Delhi	-do-	Principal Director of Audit, Scientific Department, New Delhi.
5.	Accountant General (Audit Rajasthan, Jaipur.	C-11021/1/85 EG.1 dt. August 1985	(i) Accountant General Audit-I Rajasthan, Jaipur. (ii) Accountant General Audit-II, Rajasthan, Jaipur.
6.	Dy. Chief Auditor P&T, Lucknow.	A-11019/1/78 E G. dt. 25-9-1978	Dy. Director of Audit, Post and Tele communication, Lucknow.

1	2	3	4
7.	Chief Auditor, Northern Railway, New Delhi.	A-11019/1/78-E G dt. 3-1-1979	Principal Director of Audit, Northern Railway, New Delhi.
8.	Chief Auditor, North Eastern Railway Gorakhpur.	A-11019/1/78-I G. dt. 3-1-1979	Principal Director of Audit, North Eastern Railway, Gorakhpur.
9.	Chief Auditor, Posts and Telegraph, Delhi.	-do-	(i) Principal Director of Audit, P&T, Delhi. (ii) Director of Audit, P&T, New Delhi.
10.	Sr. Dy. Director of Audit, Defence Services (Central Command), Meerut.	-do-	Director of Audit, Defence Services, Central Command, Meerut.
11.	Audit Officer, Defence Services, Allahabad.	-do-	Dy. Director of Audit, Defence Services, Central Command, Allahabad
A 12.	Sr. Dy. Director of Audit, Defence Services, Patna.	-do-	Dy. Director of Audit, Defence Services, Eastern Command, Patna.
B 13.	Joint Director of Audit, Defence Services, Chandigarh.	C-11021/2/87-E G. dt. 5-10-1987	Director of Audit, Defence Services, Western Command, Chandigarh.
14.	—	—	Dy. Director of Audit, Air Force, Dehradun.
A 15.	Member, Audit Board and Ex-Officio Director of Commercial Audit-I, New Delhi.	-do-	Principal Director of Commercial Audit and Ex-Officio Member, Audit Board I, New Delhi.
16.	Member, Audit Board and Ex-Officio Director of Commercial Audit II, New Delhi	C-11021/2/87 E G. I dt. 5-10-1987	Principal Director of Commercial Audit and Ex-Officio Member, Audit Board-II, New Delhi.
17.	Member, Audit Board and Ex-Officio, Director of Commercial Audit III, New Delhi.	-do-	Principal Director of Commercial Audit and Ex-Officio Member, Audit Board III, New Delhi.
18.	Joint Director of Commercial Audit, Dehradun.	-do-	Director of Commercial Audit, Dehradun.
B. 19.	Member, Audit Board and Ex-Officio, Director of Commercial Audit I, Bombay.	-do-	Principal Director of Commercial Audit and Ex-Officio Member, Audit Board I, Bombay.

1	2	3	4
	20. Member, Audit Board and Ex-Officio, Director of Commercial Audit II Bombay.	C-11021/2/87 EG. I dt. 5-10-1987	Principal Director of Commercial Audit and Ex-Officio Member Audit Board II, Bombay.
A	21. Director of Audit (Food), New Delhi.	A-11019/1/79-EG. dt. 18-9-1979	Principal Director of Audit (Food), New Delhi.
	22. Regional Audit Officer Office Food, Lucknow	-do-	Regional Audit Officer (Food), Lucknow.
	23. Audit Officer Office P&T, Patna.	A-11019/1/78-EG. I dt. 25-9-1978	Audit Officer, P&T Patna.
	24. Office of Dy. Chief Auditor P&T, Jaipur	A-11019/1/78-EG. I dt. 25-9-1978	Audit Officer, P&T Jaipur.
A	25. Director of Audit Defence Services II New Delhi	C-11021/2/87-EG. dt. 5-10-1987	Principal Director of Audit, Air Force and Navy, New Delhi.
	26. Member Audit Board and Ex-Officio Director of Commercial Audit, Ranchi.	A-11019/1/79-EG. dt. 3-1-1979	Principal Director of Commercial Audit and Ex-Officio Member Audit Board, Ranchi.
	27. Director, Indian Audit & Accounts Services Staff College, Simla.	-do-	National Academy of Audit and Accounts, Simla.
B	28. Director of Audit Central Bombay	A-11019/3/82 EG. I dt. 6-1-1983	Principal Director of Audit (Central) Bombay.
	29. Accountant General Maharashtra Commercial Audit Bombay	C-11021/2/87-EG. dt. 5-10-1987	Accountant General (Commercial Audit) Maharashtra, Bombay.
A	30. Director of Audit Commerce Works and Miscellaneous, New Delhi Branch Office at Bombay	C-11021/3/82 EG. I dt. 6-1-1983	Director of Audit, Scientific Department, Bombay.
	31. Audit Office P&T Nagpur	C-11021/3/82 EG. dt. 6-1-1983	Dy. Director of Audit P&T, Nagpur.
B	32. Director of Audit Central Railway Bombay	C-11021/3/82 EG. dt. 6-1-1983	Principal Director of Audit, Central Railway Bombay.
	33. —	—	Director of Audit, Air Force and Navy, Bombay.
	34. —	—	Dy. Director of Audit, Ordnance Factories Kirkee, Poona.

1	2	3	4
35.	Director of Audit Western Railway, Bombay	C-11021/3/82 EG. dt. 6-1-1983	Principal Director of Audit, Western Railway, Bombay.
C 36.	—	—	Principal Director of Audit, Ordnance Factories, Calcutta.
A 37.	—	—	Dy. Director of Audit, Diesel Locomotive Works, Varanasi.
B 38.	Dy. Director (Audit) P&T Kapurthala	C-11021/2/87 EG. I dt. 5-10-1987	Dy. Director of Audit, P&T, Kapurthala.
A 39.	Joint Director of Commercial Audit, Bokaro	-do-	Dy. Director of Commercial Audit, Bokaro.
40.	Joint Director of Commercial Audit, Rourkela	-do-	Director of Commercial Audit, Rourkela.
C 41.	Director of Audit North-Eastern Frontier Railway Maligaon	-do-	Principal Director of Audit, North-Eastern Frontier Railway, Maligaon, Guwahati.
A 42.	—	—	P&T Audit Office, Bhopal.
B 43.	—	—	Director of Audit, Defence Services, Southern Command, Poona.
A 44.	—	—	Regional Audit Officer (Food), Bhopal
B 45.	—	—	Regional Audit Officer (Food), Chandigarh.

मानव संसाधन विकास मंत्रालय
(महिला एवं बाल विकास विभाग)

पूर्व विन्यास अधिनियम, 1890 (1890 का 6) के मामले में
राष्ट्रीय बाल कोष, नई दिल्ली के मामले में

नई दिल्ली, 2 अगस्त, 1993

का. धा. 1779-—राष्ट्रीय बाल कोष, नई दिल्ली के प्रबन्ध बोर्ड द्वारा किए आवेदन पर और उनकी सहमति से पूर्व विन्यास अधिनियम, 1890 (1890 का 6) के खण्ड 4 द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा आवेदन देती है कि नीचे दिए गए व्योरे के अनुसार रु. 10,00,000/- (द. दस लाख मात्र) सेंट्रल बैंक ऑफ इण्डिया, गुलमोहर पार्क, नई दिल्ली में 49 दिनों के लिए फिक्स डिपॉजिट योजना के अंतर्गत 10% की व्याज दर से 9-7-93 की निवेश की गई :

क्रम सं.	राशि	पिछले निवेश की तारीख	भुगतान की अंशुक्तियों की तारीख
1.	रु. 10,00,000/-	02-07-88	02-07-93

2. भारत सरकार के तत्कालीन समाज कल्याण विभाग के दिनांक 2 मार्च, 1979 के सम्य-समय पर अध्यादेश दि. सं. धा. 120(ई)

की अधिसूचना के साथ प्रकाशित राष्ट्रीय बाल कोष, नई दिल्ली के संचालन की योजना के अनुसार प्रयोग किए जाने हेतु उपरोक्त खाता भारतीय पूर्व विन्यास के खर्चा के नाम होता ।

[सं. 13-4/93-—टी-आर-II]

सुरजोत लाल, धनर सचिव

MINISTRY OF HUMAN RESOURCE DEVELOPMENTS
(Department of Women & Child Development)

IN THE MATTER OF THE CHARITABLE ENDOWMENTS
ACT, 1890 (6 of 1890)

IN THE MATTER OF THE NATIONAL CHILDREN'S
FUND, NEW DELHI

New Delhi, the 2nd August, 1993

S.O. 1779 :—On the application made by and with the concurrence of the Board of Management of the National Children's Fund, New Delhi, as in exercise of the powers conferred by Section 4 of the Charitable Endowments Act, 1890

(6 of 1890), the Central Government do hereby order that the sum of Rs. 10,00,000/- (Rupees Ten lakh only) as per particulars given below be invested in Fixed Deposit Scheme for 49 days in Central Bank of India, Gulmohar Park, New Delhi at the rate of Interest 10% per annum w.e.f. 9-7-93.

Sl. Amount No.	Date of previous Investment	Date of Maturity	Remarks
1. Rs. 10,00,000/-	02-07-88	02-07-93	

2. The above account shall vest in the Treasurer of Charitable Endowments of India to be held by him for being applied in accordance with the scheme for the administration of the National Children's Fund, New Delhi, published with the Notification of the Government of India in the then Department of Social Welfare No. S.O. 120 (E) dated the 2nd March, 1979 as amended from time to time.

[F. No. 13-4/93-TR-II]

SURJIT LAL, Under Secy.

नई दिल्ली, 2 अगस्त, 1993

का. प्रा. 1780.—राष्ट्रीय बाल कोष, नई दिल्ली के प्रबन्ध बोर्ड, द्वारा किए आवेदन पर और उनकी सहमति से पूर्व विन्यास अधिनियम, 1890 (1890 का 6) के खंड 4 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा आदेश देती है कि नीचे दिए गए व्योरे के अनुसार रु. 5,00,000/ (रु. पांच लाख मात्र) संकृत बैंक आफ इण्डिया, गुलमोहर पार्क, नई दिल्ली में 70 दिनों के लिए फिक्स डिपोजिट योजना के अंतर्गत 10% की व्याज दर से 18-6-93 को निवेश की गई :

क्रम सं.	राशि	निष्ठ निवेश भुगतान की तिथि	प्रभुत्व की तारीख
1. रु. 5,00,000/-		17-8-88	17-6-93

2. भारत सरकार के तत्कालीन समाज कल्याण विभाग के दिनांक 2 मार्च, 1979 के समय-समय पर यथासंशोधित सं. प्रा. 120 (ई) की अधिसूचना के साथ प्रकाशित राष्ट्रीय बाल कोष, नई दिल्ली के संवाहन की योजना के अनुसार प्रयोग किए जाने हेतु उन्नीस लाख भारतीय रुपए निवेश के खर्चा के नाम होना।

[सं. 13-4/93-टी प्रार II]

सुरजित लाल, अवर सचिव

New Delhi, the 2nd August, 1993

S.O. 1780.—On the application made by and with the concurrence of the Board of Management of the National Children's Fund, New Delhi, as in exercise of the powers conferred by Section 4 of the Charitable Endowments Act, 1890 (6 of 1890), the Central Government do hereby order that the sum of Rs. 5,00,000/- (Rupees Five lakh only) as per particulars given below be invested in Fixed Deposit Scheme

for 70 days in Central Bank of India, Gulmohar Park, New Delhi at the rate of interest 10% per annum w.e.f. 18-6-93.

Sl. No.	Amount	Date of previous Investment	Date of Maturity	Remarks
1.	Rs. 5,00,000/-	17-08-88	17-06-93	

2. The above account shall vest in the Treasurer of Charitable Endowments of India to be held by him for being applied in accordance with the scheme for the administration of the National Children's Fund, New Delhi, published with the Notification of the Government of India in the then Department of Social Welfare No. S.O. 120 (E) dated the 2nd March, 1979 as amended from time to time.

[F. No. 13-4/93-TR-II]

SURJIT LAL, Under Secy.

(संस्कृति विभाग)

नई दिल्ली, 16 जुलाई, 1993

का. प्रा. 1781.—केन्द्रीय सरकार राजभाषा (संघ के भाषाकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप नियम (4) के अनुसरण में मानव संसाधन विकास मंत्रालय, संस्कृति विभाग के अधीन निम्नलिखित कार्यालय को, जिसके 80% से अधिक कर्मचारियों को हिंदी का कार्यसाधक ज्ञान प्राप्त है, अधिसूचित करती है :—

सांस्कृतिक स्रोत एवं प्रशिक्षण केन्द्र,
बहावलपुर हाऊस, भगवान दास रोड,
नई दिल्ली-110001

[सं. 1-1/93-हिंदी]

जी. वेंकटरमणी, निदेशक

(Department of Culture)

New Delhi, the 16th July, 1993

S.O. 1781.—In pursuance of sub-rule (4) of Rule 10 of the Official Languages (use for official purposes of the union) Rules, 1976 the Central Govt. hereby notifies the following office under the Ministry of Human Resource Development, Department of Culture, more than 80% staff of which has working knowledge of Hindi :—

Centre for Cultural Resources and Training
Bahawalpur House, Bhagwandas Road,
New Delhi-110001.

[No. 1/1/93-Hindi]

G. VENKATARAMANI, Director

कृषि मंत्रालय

(पशुपालन और डेरी विभाग)

नई दिल्ली, 29 जुलाई, 1993

का. प्रा. 1782.—राष्ट्रपति, केन्द्रीय सिविल सेवा (वर्गीकरण, नियंत्रण और अपील) नियम, 1965 के नियम 12 के उप नियम (2) की धारा (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत सरकार, कृषि मंत्रालय (कृषि और सहकारिता विभाग) की दिनांक

4 अगस्त, 1984 की अधिसूचना सं. का. भा. 2539 का अधिक्रमण करते हुए, इस प्रकार के अधिक्रमण से पहले की गई या हटाई गई कार्रवाई को छोड़कर, एतद्वारा निर्देश देते हैं कि इस अधिसूचना से संलग्न अनुसूची के कॉलम (1) में विनिर्दिष्ट, दिल्ली दुग्ध योजना में सामान्य केन्द्रीय सेवाएं वर्ग "ख", "ग" और "घ" के लिए अनुसूची के कॉलम (2) और (3) में विनिर्दिष्ट प्राधिकारी उसके कॉलम नं. 4 में उल्लिखित शारित्यों के लिए नियुक्ति प्राधिकारी और अनुशासनिक प्राधिकारी होंगे।

अनुसूची

पदों का विवरण नियुक्ति प्राधिकारी शारित देने के लिए नियम 11 के अंतर्गत प्राधिकारी गंत की जाने वाली शारितियां

1	2	3	4
1. वर्ग "ख" के सभी पद	महाप्रबंधक	महाप्रबंधक	सभी
2. वर्ग "ग" और "घ" के सभी पद	उप-महाप्रबंधक (प्रशासन)	उप-महाप्रबंधक (प्रशासन)	सभी

[सं. 3/5/93-एल. डी. I]

एच. के. जगोटा, अवर सचिव

MINISTRY OF AGRICULTURE

(Department of Animal Husbandry & Dairying)

New Delhi, the 29th July, 1993

S.O. 1782—In exercise of the powers conferred by clause (b) of sub-rule (2) of rule 12 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965, and in supersession of the Notification of Government of India in the Ministry of Agriculture (Department of Agriculture and Cooperation) No. S.O. 2539, dated the 4th August, 1984, except as respects things done or omitted to be done before such supersession, the President hereby directs that in respect of the General Central Services Group 'B', 'C' and 'D' posts, in the Delhi Milk Scheme as specified in column (1) of the Schedule annexed to this notification, the authorities specified in column (2) and (3) shall be the appointing authority and disciplinary authority for penalties specified under column (4) thereof.

SCHEDULE

Description of post	Appointing authority	Authority competent to impose penalty	Penalties which may be imposed rule 11
1	2	3	4
1. All Group 'B' posts.	General Manager	General Manager	All
2. All Group 'C' and 'D' posts.	Deputy General Manager (Administration)	Deputy General Manager (Administration)	All

[No. 3-5/93-L.D.I.]

H.K. JAGOTA, Under Secy.

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 6 अगस्त, 1993

का. भा. 1783.—यतः पेट्रोलियम और खनिज पदार्थों का भूमि में उपयोग के अधिकार का अर्जन अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का. भा. सं. 2023 तारीख 14-7-92 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइनों को बिछाने के लिए अर्जित करने का अर्जन प्राप्त कर दिया था।

और यतः राशम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और अतः, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिर्देश किया है।

अथ, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और अतः उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की वजह से तेल और प्राकृतिक गैस आयोग में, सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

बोकारी टी बिन्दु से उद्देश तक पाईप लाईन बिछाने के लिए।

राज्य—गुजरात जिला—ब्रह्मवा तासुका—पावरा

गांव	ब्लॉक नं.	हे.	अर.	सेन्टी
बोकारी	330/ए	00	01	00
	331	10	16	20
	316	00	11	64
	317/2	00	10	07
	333	00	05	00
	315	00	02	70
	314	00	06	20
	313	00	03	00
	225	00	10	50
	224	00	13	60
	223	00	11	60
	221	00	09	70
	209	00	00	10
	210	00	02	51
	213	00	19	70
	212	00	00	75
	214	00	15	00

[सं. ओ-12016/54/92/ओ एन जी डी-IV]

एम. मार्टिन, डैस्क अधिकारी

MINISTRY OF PETROLEUM & NATURAL GAS

New Delhi, the 6th August, 1993

S.O. 1783.—Whereas by notification of the Government of India in the Ministry of Petroleum & Natural Gas S.O. No. 2023 dated 14-7-92 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And Whereas the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Commission free from encumbrances.

SCHEDULE

Pipeline from Chokati 'T' Point to Undera

State : Gujarat District Vadodara Taluka : Padra

Village	Block No.	Hec-tare	Are	Cen-tiare
Chokati	330/A	00	01	00
	331	00	16	20
	316	00	11	64
	317/2	00	10	07
	333	00	05	00
	315	00	02	70
	314	00	06	20
	313	00	03	00
	225	00	10	50
	224	00	13	60
	223	00	11	60
	221	00	09	70
	209	00	00	10
	210	00	02	51
	213	00	19	70
	212	00	00	75
	214	00	15	00

[No. O-12016/54/92-ONG. D-IV]

M. MARTIN, Desk Officer

महं दिल्ली, 6 अगस्त, 1993

का. प्रा. 1784.—यतः पेट्रोलियम और खनिज पाइपलाइन भूमि में उपयोग के अधिकार का अर्जन अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का. प्रा. सं. 2025 तारीख 14-7-92 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइनों को बिछाने के लिए अर्जित करने का अपना वाशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय तेल और प्राकृतिक गैस आयोग में, सभी बाधाओं से मुक्त रूप में, घोषणा के प्रकाशन की इस तारीख को निश्चित होगा।

अनुसूची

कृ. नं. पी. डी. ए. एच. से पादरा ई. पी. एस. तक पाइप लाइन बिछाने के लिए।

राज्य: गुजरात

जिला: वडोदा

तालुका : पादरा

शॉब	ब्लॉक नं.	हेक्टेयर धार.	सेन्टीयर	
1	2	3	4	5
सांगमा	139	0	08	58
काटे ट्रेक		0	00	52
138		0	12	22
काटे ट्रेक		0	00	84
155		0	06	50
काटे ट्रेक		0	00	52
156		0	14	30
157		0	02	82
673		0	00	95
172		0	01	12
171		0	00	92
170		0	06	12
169		0	02	34
168		0	02	44
167		0	03	12
166		0	02	60
165		0	14	04
203		0	16	90
काटे ट्रेक		0	00	65
204		0	08	45

1	2	3	4	5
	205	0	07	54
	206	0	04	94
	207	0	10	40
	कार्ट ट्रैक	0	00	78
	328/ए	0	04	03
	328/बी	0	04	03
	329	0	00	85
	331	0	07	54
	335	0	09	62
	343	0	15	60
	342	0	00	92
	344	0	08	45
	कार्ट ट्रैक	0	00	65
	345	0	14	56
	346	0	13	65
	कार्ट ट्रैक	0	00	65

[सं. जो. 12016/56/92/ओ एन जी सी-IV]

एम. मार्टिन, डेस्क अधिकारी

New Delhi, the 6th August, 1993

S.O 1784.—Whereas by notification of the Government of India in the Ministry of Petroleum & Natural Gas S.O. No. 2025 dated 14-7-92 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And Whereas the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands in the schedule appended to this notification:

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Commission free from encumbrances.

SCHEDULE

Pipeline from well No. Pdah to Padra EPS.

State : Gujarat District : Vadodara Taluka : Padra

Village	Block No.	Hec- tare	Are	Cent- tiate
1	2	3	4	5
Sangama	139	0	08	58
	Cart track	0	00	52
	138	0	12	22

1	2	3	4	5
	Cart track	0	00	84
	155	0	06	50
	Cart track	0	00	52
	156	0	14	30
	157	0	02	82
	173	0	00	95
	172	0	01	12
	171	0	00	92
	170	0	06	12
	169	0	02	34
	168	0	02	44
	167	0	03	12
	166	0	02	60
	165	0	14	04
	203	0	16	90
	Cart track	0	00	65
	204	0	08	45
	205	0	07	54
	206	0	04	94
	207	0	10	40
	Cart track	0	00	78
	328/A	0	04	03
	328/B	0	04	03
	329	0	00	85
	331	0	07	54
	335	0	09	62
	343	0	15	60
	342	0	00	92
	344	0	08	45
	Cart track	0	00	65
	345	0	14	56
	346	0	13	65
	Cart track	0	00	65

[No. O. 12016/56/92-ONG. D-IV]

M. MARTIN, Desk Officer

नई दिल्ली, 6 अगस्त, 1993

का. प्रा. 1785.—यतः पेट्रोलियम और नैजि पाइपलाइन अधिनियम 1962 (1962 का 50) में उपयोग के अधिकार का अर्जन अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अन्तर्गत भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का. प्रा. सं. 2026 तारीख 14-7-92 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को प्राप्त करने का विधान के लिए अर्जित करने का अपना प्राणय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 का उपधारा (1) के अन्तर्गत सरकार को रिपोर्ट दे दी है।

और प्रागे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट, पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार/एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन विधान के अर्जन के लिए एतद्वारा अर्जित किया जाता है।

और प्रागे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय तब और प्राकृतिक गैस आयोग में, सभी बाधाओं से मुक्त रूप में, घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

कूप नं. पी. डी. ऐ. डी. से पादरा ई. पी. एस. तक पाइप
साइन बिछाने के लिए

राज्य:—गुजरात जिला :—वदोदरा तालुका :—पादरा

गांव	ब्लॉक नं.	हेक्टेयर	घार.	सेन्टीयर
पादरा	1271	0	09	60
	1272/1	0	03	12
	1272/2	0	03	02
कार्ट ट्रैक		0	01	30
	1157/3	0	07	28
	1157/6	0	05	26
	1157/5	0	05	46
	1159	0	10	66
	1134	0	05	04
	1133	0	20	96
	1020	0	06	76
	1021	0	09	88
	1022/1	0	16	46
कार्ट, ट्रैक		0	00	85
	1028	0	01	40
	1027/1	0	14	68
	1027/2	0	01	70
	977	0	03	38
	976	0	18	85
	973	0	11	70
	963	0	04	42
	962	0	04	03
	961	0	10	66

[(सं. 12016/5792/ओ एम जी डी-IV)

एम. मार्टिन, डेस्क अधिकारी

New Delhi, the 6th August, 1993

S.O. 1785.—Whereas by notification of the Government of India in the Ministry of Petroleum & Natural Gas S.O. No. 2026 dated 14-7-92 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And Whereas the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Commission free from encumbrances.

SCHEDULE

Pipeline from well No. PDAD to Padra EPS.

State : Gujarat District : Vadodara Taluka : Padra

Village	Block No.	Hec-tare	Are	Centi-are
Padra	1271	0	09	60
	1272/1	0	03	12
	1272/2	0	03	02
	Cart track	0	01	30
	1157/3	0	07	28
	1157/6	0	05	26
	1157/5	0	05	46
	1159	0	10	66
	1134	0	05	04
	1133	0	20	96
	1020	0	06	76
	1021	0	09	88
	1022/1	0	16	46
	Cart track	0	00	85
	1028	0	01	40
	1027/1	0	14	68
	1027/2	0	01	70
	977	0	03	38
	976	0	18	85
	973	0	11	70
	963	0	04	42
	962	0	04	03
	961	0	10	66

[No. O-12016/57/92-ONG. D-IV]

M. MARTIN, Desk Officer

नई दिल्ली, 6 अगस्त, 1993

का. आ. 1786:—यतः पेट्रोलियम और खनिज पाइपलाइन भूमि में उपयोग के अधिकार का अर्जन अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का. आ. नं. 2030 तारीख 14-7-92 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइनों को बिछाने के लिए अर्जित करने का अपना प्राण्य घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्वहण होती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय तेल और प्राकृतिक गैस आयोग से, सभी बाधाओं से मुक्त रूप में, घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

यू.पी.पी.ए.एस. से पादरा इ.पी.एस. तक पाइप लाइन
बिछाने के लिए।

राज्य—गुजरात तालुका व जिला—वडोदरा

गांव	उपख. नं.	हे.	आर.	से.
समीयाला	655	0	08	32
	645/1	0	07	28
	644	0	04	55
	कार्ट ट्रैक	0	00	78

[सं. ओ.—12016/61/92/ओ.एन.जी.डी-IV]

एम. मार्टिन, डेस्क अधिकारी

New Delhi, the 6th August, 1993

S.O. 1786.—Whereas by notification of the Government of India in the Ministry of Petroleum & Natural Gas S.O. No. 2030 dated 14-7-92 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Commission free from all encumbrances.

SCHEDULE

Pipeline from well No. PDAH to Padra EPS.

State : Gujarat District & Taluka : Vadodara

Village	Block No.	Hec- tare	Are	Centi- tiare
Samiyala	655	0	08	32
	645/1	0	07	28
	644	0	04	55
	Cart track	0	00	78

[No. O-12016/61/92-ONG. D-IV]

M. MARTIN, Desk Officer

नई दिल्ली, 6 अगस्त, 1993

का. सं. 1787.—यहां पेट्रोलियम और खनिज वाहक लाइन भूमि में उपयोग के अधिकार का अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम 1742 GI/93—3

और प्राकृतिक गैस संवाहक का अधिसूचना का. सं. 2033 तारीख 14-7-92 द्वारा केन्द्रिय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को प्राप्त करने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यहाँ सक्षम प्राधिकार ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधिनियम सरकार की रिपोर्ट दे दी है।

और आगे, यहाँ केन्द्रिय सरकार ने उक्त रिपोर्ट पर विचार करते के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करता है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार प्राप्त करने के प्रयोजन के लिए ए.प. द्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रिय सरकार निर्दिष्ट देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रिय सरकार से निहित होने के बजाय तेल और प्राकृतिक गैस वाहक में, सभ्य बाधाओं से मुक्त रूप में, घोषणा के प्रकाशन का इस तारीख को निहित होगा।

अनुसूची

के. आई. ऐ. सी. से ई. एच. ऐ. ऐ. से एस. डब्ल्यू. एम.
डी. एक पाइप लाइन बिछाने के लिए।

राज्य -- गुजरात	जिला -- वडोदरा	तालुका -- हासोड		
धामराड	400	0	21	06
	399	0	00	24
	402	0	14	17
	398	0	03	51
	404	0	27	95
	383	0	62	40
	338	0	05	33
	339	0	09	88
	340	0	14	17
	329	0	07	80
	344	0	24	05
	345	0	13	65
	347	0	13	69
	348	0	00	24
	310	0	04	94
	309	0	03	25
	305	0	35	62
	308	0	11	70
	306	0	24	57

[सं. ओ.-12016/64/92/ओ.एन.जी.डी-IV]

एम. मार्टिन, डेस्क अधिकारी

New Delhi, the 6th August, 1993

S.O. 1787.—Whereas by notification of the Government of India in the Ministry of Petroleum & Natural Gas S.O. No. 2033 dated 14-7-92 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Commission free from encumbrances.

SCHEDULE

Pipeline from KIAC to ELAA to SWMB.

State : Gujarat District : Bharuch Taluka : Hansot

Village	Block No.	Heq- tare	Ac- tare	Cent- tiare
Dhamrad	400	0	21	06
	399	0	00	24
	402	0	14	17
	398	0	03	51
	404	0	27	95
	383	0	62	40
	338	0	05	33
	339	0	09	88
	340	0	14	17
	329	0	07	80
	344	0	24	05
	345	0	13	65
	347	0	13	69
	348	0	00	24
	310	0	04	94
	309	0	03	25
	305	0	35	62
	308	0	11	70
	306	0	24	57

[No. O-12016/64/92-ONG. D-IV]
M. MARTIN, Desk Officer

नई दिल्ली, 6 अगस्त, 1993

का. प्र. 1788.--यतः पेट्रोलियम और खनिज वाहपलाइन भूमि में उपयोग के अधिकार का अधिनियम, 1962 (1962 का 50) की प्राय 3 की उधारा (1) के अधिनियम भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का. प्र. सं. 2038 तारीख 14-7-92 द्वारा केन्द्रिय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को वाहपलाइनों को बिछाने के लिए अर्जित करने का अपना आग्रह घोषित कर दिया था।

और यतः सक्षम प्राधिकारों ने उक्त अधिनियम की धारा 6 की उधारा (1) के अधिनियम सरकार को रिपोर्ट दे रखा है।

और आगे, यतः केन्द्रिय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, यतः उक्त अधिनियम की धारा 6 की उधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रिय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार वाहपलाइन बिछाने के प्रयोजन के लिए, एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रिय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रिय सरकार से निहित होने का, बचाव लेस और प्राकृतिक गैस उपयोग में, सतः वाहपलाइन से मुक्त रूप में, घोषणा के प्रकाशन के इस तारीख को निहित होगा।

अनुसूची

ताब-1 से ज. एन ए एयू तक पाईप लाईन बिछाने के लिए।

पाण्ड्य :- गुजरात	जिला :- धारुच	तालुका :- हंसोत	गांव	ब्लॉक नं.	हे०	आर.	सेन्ट.
			इस्लामपुर	325	0	01	10
				330/ए	0	00	33
				326	0	05	82
				327	0	07	70
				328/ए	0	02	87
				368	0	16	84
				405	0	04	98
				406	0	04	92
				408	0	09	46
				409	0	04	62
				411	0	05	48
				412/पा	0	00	50
				412/पा	0	85	35
				1	0	00	13
				4/पा	0	08	10

[सं. प्रो.--12016/69/92/प्रो एन ज. ड-IV]

एम. मार्टिन, डेस्क अधिकारी

New Delhi, the 6th August, 1993

S.O. 1788.--Whereas by notification of the Government of India in the Ministry of Petroleum & Natural Gas S.O. No. 2038 dated 14-7-92 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Commission free from encumbrances.

SCHEDULE

Pipeline from Nada-1 to GNAQ.

State : Gujarat District : Bharuch Taluka : Jambusar				
Village	Block No.	Hectare	Are	Centiare
Islampur	325	0	01	10
	330/A	0	00	33
	326	0	05	82
	327	0	07	70
	328/A	0	02	87
	368	0	16	84
	405	0	04	98
	406	0	04	92
	408	0	09	46
	409	0	04	62
	411	0	05	48
	412/P	0	00	50
	412/P	0	85	35
	1	0	00	15
	4/P	0	08	10

[No. O-12016/69/92-ONG.D-IV]

M. MARTIN, Desk Officer

जल-भूतल परिवहन मंत्रालय

(नौवहन पक्ष)

शुद्धिपत्र

नई दिल्ली, 2 अगस्त, 1993

क्र. भा. 1789.—जल-भूतल परिवहन मंत्रालय (नौवहन पक्ष), भारत सरकार की अधिसूचना सं. क्र. भा. 641(ई) दिनांक 25 अगस्त, 1992 जो दिनांक 25 अगस्त, 1992 को भारत के राजपत्र के भाग II खण्ड 3 उपखण्ड (ii) प्रकाशित की गई थी, में

1. पृष्ठ 2 पर लाइन 1 में

"खण्ड 345X" के स्थान पर

"खण्ड 435X" पढ़ें।

[क्र. सं. एस आर-11013/3/92—एम ए]

ओ. पी. माहे, प्रवर सचिव

MINISTRY OF SURFACE TRANSPORT

(Shipping Wing)

CORRIGENDUM

New Delhi, the 2nd August, 1993

(Merchant Shipping)

SC.O. 1789.—In the notification of the Government of India in the Ministry of Surface Transport (Shipping Wing) No. S.O. 641(E) dated the 25th August, 1992 published in the Gazette of India, Part II Section-3—Sub-section (ii) dated the 25th August, 1992, at pages 1 and 2

1. at page 2, in line 1

for "section 345 x"

read "section 435 x".

[File No. SR-11013/3/92-MA]

O. P. MAHEY, Under Secy.

अम मंत्रालय

नई दिल्ली, 3 अगस्त, 1993

क्र. भा. 1790.—औद्योगिक विवाद अधिनियम, 1997 (1947 का 14) की धारा 17 के अंतर्गत् में, केन्द्रीय सरकार कलरिज कम्पनी लिमिटेड, के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अंतर्गत् में निदिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, हैदराबाद पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3/8/93 को प्राप्त हुआ था।

[संख्या एल—21011/30/87—डी-III (बी)]

बी. एम्. डेविड, डेस्क अधिकारी

MINISTRY OF LABOUR

New Delhi, the 3rd August, 1993

S.O. 1790.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Hyderabad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Singareni Collieries Company Ltd., and their workmen, which was received by the Central Government on 3-8-1993.

[No. L-21011/30/87-D.III(B)]

B. M. DAVID, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL AT HYDERABAD

PRESENT:

Sri Y. Venkatachalam, M.A., B.L., Industrial Tribunal.

Dated, 13th day of July, 1993

Industrial Dispute No. 16 of 1988

BETWEEN

The Workmen represented by Singareni Coal Mines Karmika Sangh (BMS) by its Secretary, Godavarikhani.

.. Petitioner.

AND

The Management of Singareni Collieries Company Limited, Represented by General Manager, Ramagundam Division-I. Godavarikhani.

.. Respondent.

APPEARANCES:

Sarvasri G. Bikshapathi, G. Vidya Sagar, V. Vishwanatham, N. Vinesh Raj and K. V. V. Bhaskar, Advocates—for the Petitioner-Workman.

Sarvasri K. Srinivasa Murthy, V. Ramachandra Rao, Kumari G. Sudha and Mitra Das, Advocates—for the Management Respondent.

AWARD

The Government of India, Ministry of Labour by its Order No. L-21011/30/87-D.III(B) dated 1-2-1988 referred the following dispute under Section 10(1)(d)(2A) of the Industrial Disputes Act, 1947 between the employer in relation to the management of M/s. Singareni Collieries Company Limited, Area-I, Ramagundam Division and their workmen to this Tribunal for adjudication:

"Whether the action of the management of M/s. Singareni Collieries Co. Ltd., Area-I, Ramagundam Division, P.O. Godavarikhani, District-Karimnagar, in denying promotion to Cat. II to the 12 General Mazdoors Cat. I (vide Schedule D) of Area Workshop, Electrical Section, Godavarikhani, are justified? If not, to what relief the workmen concerned are entitled?"

2. The brief contents of the claim statement filed by the Petitioner-Union read as follows:—The workmen concerned in the dispute are the members of the Petitioner-Union.

The issue relating to the promotion of the workmen has been espoused by the Petitioner-Union. The workmen concerned in the dispute are twelve in number as mentioned in the Schedule. They are originally appointed as Mazdoors in Category I. All the workmen are confirmed in the post of General Mazdoors. They had completed the service as General Mazdoors for more than 4 years. Even since the appointment of the workmen, they are working in the armature winding Section in Electrical Department in the Area Workshop at Ramagundam. In the armature winding Section, winding process of Stator and armature are being carried out. There are more than 12 armature winders in the said Section. These Winders are being assisted and helped by the workmen. Infact the workmen are in the position of armature winding helper. But however, they are being treated as General Mazdoors. The Armature Winding Helpers are grouped in the Cat. II in N.C.W.A. III whereas the General Mazdoors are covered by Category I. The basic wage of Category I employee per day is Rs. 21.00 while that of Category II is Rs. 21.65 per day. According to the recommendations of Joint Bi-partite Committee of Coal Industry, the General Mazdoors who had put in 3 years experience are entitled for promotion to the post of Helper to Armature winder. As regards to the educational, technical qualifications, they are required to possess skill as per Wage Board and Trade Test specification. They should also be literates without specifying the class of education. The implementation instructions No. 30 dated 26-6-1984 clearly stipulates the promotion channel of E&M Personnel of Operation—Annexure VII-14. It is submitted that the workmen herein have been discharging the duties of Armature Winder-helper ever since their date of appointment. They have neither been promoted to the said post nor are they being paid difference of wages. Infact no mazdoors can be engaged in this line. Since the workmen are discharging the duties of Helper for the last more than 4 years, the Union made representation on 21-11-1986 to the Management to promote the workmen herein as Helper in Category II as they possessed all the requirements to the post of helper. Since there was no reply another representation was made on 6-2-1987 but in vain. Thereafter the matter was moved before the Conciliation Officer and the conciliation meetings took place on 12-6-87 and on another further two days. It is submitted that the workmen are discharging the duties of Armature Winder-helper ever since their appointment. They have acquired sufficient skill in the said line and they have become eligible to the post of helpers in the Category II. All the workmen are literates and some of them have studied upto 10th class. By promoting/upgrading the workmen as Helpers, there would not be any dislocation in the Section. Infact the Management is utilising the workmen as Helpers. Even on the principles of equal pay for equal work, they are entitled for category II wages as helpers. In case of other Sections such as CSP, Mines, the General Mazdoors after completing 3 years of service are promoted and upgraded as Helpers with Category II wages. Therefore, the action of the Management is discriminatory and arbitrary. The management is not justified in not promoting the workman for the post of Helpers in Category II. It is prayed that this Hon'ble Tribunal may be pleased to pass an award directing the Respondent to promote the 12 workmen, mentioned in Schedule to the reference to the post of Helper to the Armature Winder in Category II from the date of completion of 3 years of service as General Mazdoors with all consequential service benefits, directing the Respondent-Management to pay the workmen herein as mentioned in the schedule to the reference the difference of wages and other relief.

1. The brief contents of the counter filed by the Respondent-Management read as follows: They do not admit any of the allegations made in the claim statement except those which are specifically admitted herein. The reference which is being made relates to the purported action of the management in denying promotions to 12 general mazdoors. The reference as made is illegal. There is no category II employees in the Electrical Section. By virtue of reference the Company will have to create new category/posts in the electrical section to enable these 12 general mazdoors to be fitted in those categories. It is not open to any one to demand that new posts will have to be created. They are not entitled to it out of right as per any joint bi-partite committee for coal industry nor is there any settlement by which they can claim promotion. There is no cadre of promotion from Cat. I to Cat. II in Electrical Section. The

allegation to the effect that if a general mazdoor puts in 3 years of experience he is entitled to post of helper to Armature winder is not correct. The dispute has been raised by Singareni Coal Mines Karmika Sangh. It is not one of those recognised unions. It has no representative capacity. They cannot raise any demand on behalf of 12 general mazdoors. So the reference made at the instance of Karmika Sangh cannot be answered being not an industrial dispute. It is a fact that these workmen completed 4 years as General Mazdoors in Electrical Section. There is no armature winding section at the area workshop separately but there is indoor electrical section at the area workshop where the winding works are also carried out. In Area workshop we were having 3 armatures winding/electricians in category VI but not 12 armature winders as stated by the petitioners in their claim statement. In indoor electrical section altogether 33 electricians and 27 general mazdoors are working. Depending on the work the electricians will be provided with the mazdoors. Some times 2 or 3 mazdoors also will be given basing on the work load. Out of the 30 electricians a few electricians will do the job of winding in addition to normal electrical works. The general mazdoors working in the indoor electrical section will be rotated between these electricians. Sri Ramachary and 11 other petitioners are also being rotated with all the electricians but not to armature winding/electricians. As stated already we are having only 3 armature winders/electricians but not 12 armature winders/electricians as stated by the petitioners. The question of engaging Sri Ramachary and 11 other petitioners regularly with the armature winders does not arise as we are not having 12 armature winders on our rolls. JBCCI recommended a promotional channel for armature winders starting from Category II. Moreover the Singareni Collieries does not require the post of armature winding helpers as the general mazdoors are not working continuously with the electricians who are doing winding job. The 12 petitioners worked with all the electricians depending on the requirement every day but not with the armature winders/electricians alone. It is not a fact that the general mazdoors are doing the job of armature winding helpers. There is no job of armature winding helpers in Singareni Collieries stated earlier. In indoor electrical section mazdoors are provided to assist the electrician in their job and they are entitled to only category I wages which the management is paying to all the general mazdoors. The management utilised the petitioners as general mazdoors. The facility of providing helpers as in the mines is not extended to surface departments except SCP and Auto Workshop. In workshops electricians are provided with mazdoors depending on the work irrespective of category IV, Category V and D Category V whereas in the mines only VI category and one category V Electrician/Fitter in each shift is entitled for a helper/ mazdoor. Depending on the work load at mines and departments the facility of providing mazdoor/helpers is studied by the Industrial Engineering Department and according to the recommendation helpers/mazdoors are provided. There is no requirement of helpers in this section. The job of armature winders is sedentary and there is no helper required. Only mazdoors will be provided to assist the electricians. The Hon'ble Tribunal may be pleased to reject the reference.

4. W.W.1 to W.W.4 were examined on behalf of the Petitioner-Union and marked Exs. W1 to W19. Whereas M.W1 and M.W2 were examined on behalf of the Respondent-Management and marked Exs. M1 and M2 only on its side.

5. The point for adjudication is whether the action of the Respondent-Management in denying promotion to Cat. II to the 12 General Mazdoors Cat. I of Area Wkrkshop, Electrical Section, Godavarikhani are justified?

6. W.W1 is one K. Bagavan Reddy. He deposed in brief that he is working as Fitter in Open-Cast Project, in Godavari Khani of S. C. Company since 1983. He is the Secretary of the Singareni Coal Mines Karmikata Sangham since 1987. The workmen referred to in the present dispute are members of their union. All those persons are working as Helpers to the Armature winders in Area Workshop at Godavarikhani. These workers are appointed as General Mazdoors but they are working as Helpers. The General Mazdoors post is in Category I while the post of Helpers is in Category II. The post of Helper is a promotional post for the General Mazdoors. Whoever completes service as General Mazdoor for three years is eligible for promotion as Helper. On 21-11-1986

the Vice President of their Karmika Sangham gave a representation to the General Manager, Ramagundam Area-I to give promotion to those workers as Helpers as they are working as Acting helpers for the past four years, under Ex. W1. The Management did not issue any reply for that representation Ex. W1. As there was no reply from the management a reminder was sent on 6-2-1987, under Ex. W2. As no reply was received even after sending reminder, they made representation to the Asst. Labour Commissioner and held a conciliation meeting. But no settlement was effected on that day in the meeting. The worker R. Prabhakar shown at S. No. 5 to the schedule was confirmed in the post of General Mazdoors by order dt. 7-8-84. Ex. W5 is the xerox copy of the said order. The worker A. Tirupathi was confirmed in the post of General Mazdoor by order dt. 29-3-84, under Ex. W7. The worker Ch. Ramulu was appointed as General Mazdoor by the order dt. 19-1-82 under Ex. W9. He was confirmed in the post of General Mazdoor by order dt. 14-5-82 under Ex. W10. The worker S. Agama Rao was transferred to Area Workshop, Ramagundam to work as General Mazdoor under order dt. 22-10-84 under Ex. W13. All the 12 workers referred to in the schedule to this reference are working as Helpers on temporary basis though they are appointed as General Mazdoors since 1984. The Joint Bipartite Committee for the Coal Industry, Coal India Limited planned scheme for the promotion of various categories working in the coal mines, that Scheme is also binding on the Singareni Collieries. Under that scheme for the promotion post of Helper the general mazdoor must have worked for three years. There are instances where the General Mazdoors working in Open Cast, Manugur were promoted to the category II i.e. the Helper. Ex. W15 under which K. Latchama, I. Sathanarayana, B. Swamidas were promoted as Helpers Cat. II. Hence the general mazdoor working in Area Workshop is also entitled for promotion as Helper. The contention of the Respondent-Management that the general mazdoor is entitled for the promotion as Tundal only and not as helper, is not correct. There are 36 categories of general mazdoors working in Singareni Collieries. The general mazdoor working in a particular nature of work is entitled for promotion in that category of work. As the present workers herein are working as General Mazdoors in Area workshop Electrical Section, they are entitled for promotion as Helpers in the Electrical Section as per the instruction of Joint Bipartite Committee for coal industry.

7. W.W2 is one S. Agamarao. He deposed in brief that he joined Singareni Collieries in November, 1983 as Badli Filler. Later he was transferred to Workshop as General Mazdoor as per office order dt. 22-10-1984 marked as Ex. W16. He is working as general mazdoor and attending to the work of Armature winding. He is working under E. Prakasa Rao, Electrician from the time he was transferred to Area Workshop. The general mazdoor is eligible for promotion as Helper. Ex. W17 is the copy of the order dt. 12-5-1984 promoting some General Mazdoors as Helpers in Category II. Himself and eleven other general mazdoors made a representation to the Management through their Union to promote them as Helpers. The Management did not promote them as helpers. All the 12 workmen concerned in this reference are doing the same nature of job attending to Armature winding.

8. W.W3 is one K. Shankaraih. In brief he deposed that he is working as Electrician-cum-Armature Winder in Area Workshop at Godavari Khani, Ramagundam since the year 1973. This post was called earlier as Electrician then there was settlement between the Management and the Union on 25-3-1982. Then their post was redesignated as Armature Winder. Ex. W18 is the settlement dt. 25-2-1982 however the management has given designation for their post as Electrician-cum-Armature winder. He is also signatory to Ex. W18 in his capacity as Area Secretary for the Union. The Management did not implement the terms of Ex. W18. So the Union complained to Assistant Labour Commissioner, Hyderabad. Their post was redesignated as Electrician-cum-Armature Winder. There are 12 persons working as Electrician-cum-Armature Winder in the Area Workshop. Each Electrician-cum-Armature Winder is given one permanent Helper, for assistance. The Helper is attached to one Electrician-cum-Armature Winder and he will not be rotated. The duties of the Helpers are to doing the job of the winding. One N. Ramamurthy who is shown at S. No. 6 in the Schedule of the reference is the Helper attached to him.

9. W.W4 is one N. Rama Murthy. He deposed that he is working as General Mazdoor in the Area Workshop for the last six years. For the last five years he is attached to W.W3. He is doing the job of winding in the workshop. Though he is designated as General Mazdoor he is doing the job of a winding and assisting the Electrician-cum-Armature Winder in the area Workshop. He is doing the said job under W.W3 only for the last five years and he is not rotated to do the said job under the other Electrician-cum-Armature Winder. They want them to be promoted to Cat. II as Armature Winder-Helper.

10. M.W1 is one Sri P. B. Rayanna. He deposed that he is working as Divisional Engineer, Area Workshop Incharge, Manugur Area Workshop at Godavari Khani, Singareni Collieries Company Limited since the last six months. Earliest to this he worked as A.E. as well as E.E. in the same Workshop since the year 1975. He knows the facts of this case. The concerned workmen—8 were recruited as General Mazdoor and 4 were recruited as Badli fillers in various Mines. Out of the 12 workers referred in the schedule, Sl. Nos. 3, 5, 7 and 11 were recruited as Badli. No qualification was required for these posts as they are the unskilled workers. In the beginning they cannot do any skill work perhaps after 10 years or so, after gaining experience, they may be able to perform the skill jobs. This entire recruitment was for Category I workers. After the category I workers were recruited they will be posted to various places basing upon their experience they develop the schemes. From Cat. I they will be promoted to Category IV. After passing the Trade Test, acquiring proper skill and seniority, depending upon the availability of the vacancies in Category IV there are no Categories II and III as such in between. They will be maintaining a list basing on merit-cum-seniority in those trades and after conducting the test, the vacancies in Category IV will be filled up. Only in the Mines now and then as per N.C.W.A. IV agreement, Management agreed as time policy promoted from Category I to Category II. Only people who worked for about 10 years or more from Category I were promoted to Category II. There is no change in their work and duties and there may be slight change in their emoluments. If a person of a lower category temporarily acts in a higher category post only to that period he will be paid higher category post wages. But he is not entitled for promotion as a matter of that higher category post in which he was acting. There is no agreement for promoting these people from the lower category to higher category automatically. Foreman, Asst. Electrical Engineer or E.E. in generally supervise the work of Category I workers. It is not true to say that these 12 workers in question were discharging as helpers. All these category I workers will be helping 33 electricians in addition to 3 Armature Winders. These workers will be rotated to all the workmen but not attached always to three armatures winders any. As a team, the Category I workers will also not be sentry job like loading, unloading stators etc. assembling of motors and all other electric equipment. This work will be done only on the guidance of the Electrician and other supervisors. These category I workers will not perform any skilled or semi-skilled works.

11. M.W2 is one P. Chandrakant Sarma. He deposed in brief that he has been working as Industrial Engineer in the Respondent-Company since 21-9-75. He had the Occasion of studying the man power of Electrical workshop. Some of the workmen originally recruited as General Mazdoors and some were recruited as Badlies. There is no system of automatic promotion of Category I workers to Category II posts. As and when there are vacancies in the higher categories, they can be considered as per rules, for promotion to the higher posts. Out of the 12 workmen involved in this reference some workmen applied for surface job and transferred to electrical section to work as general mazdoors and the remaining workmen were brought from the mines and transferred to the electrical department. There are no category II posts in Electrical section in the workshop. The category II jobs are semi-skilled Armature Winding is part of the indoor electrical workshop. There are three electricians working for armature winding but they will be engaging extra workers for that purpose if there is extra work load. The total number of electricians working in indoor electrical section are 12. The entire electrical section consisted of 33 electricians during the relevant period and at present there are 40 electricians since one month back. Out of the 12 electricians working in the indoor electrical section, three will be permanently working for armature winding and the said three persons will be the same persons always and the remaining nine electricians will

be rotated to different works as per the need. There are 27 general mazdoors of Category I working in the electrical shop, besides the 33 electricians. From out of the said 27 general mazdoors of Cat. I the 12 general mazdoors involved in this I.D. are demanding promotion to Cat. II. All the winding work, connection coiling and assembling and testing will be done by the electrician himself. The petitioners are not doing any winding work. There is no designation like armature winding helper in Singareni Collieries Company Limited. The issue of promotion of mazdoors to helpers was not referred in any of the proceedings of Joint Bipartite Committee on Coal Industries. Some of the petitioners in this I.D. were originally appointed as badli fillers in underground Mines and some of them were appointed as general mazdoors. All the service conditions are common to the general mazdoors working in different departments and mines. The Petitioners are not entitled for promotion as claimed by them.

12. At the very outset, I would like to mention that according to the recommendations of the Joint Bipartite Committee of Coal Industry, the General mazdoors who had put in three years experience are entitled for promotion to the post of Helpers in Armature Winding. As regards to the educational, technical qualifications, they are required to possess skill as per Wage Board and Trade Test specifications. They should also be literate without specifying the class of education. The contention of the workmen is that since the workmen mentioned in the reference are discharging the duties of helper for the last more than four years, they should be promoted as Helper in Category II as they possessed all the requirements to the post of Helper. The claim of the petitioner union that the workmen in question are discharging the duties of Armature Winder-helper ever since their appointment, having worked for a long period, they have acquired sufficient skill in the said line and they have become eligible to the post of Helpers in Category II. The Management is utilising the workmen in question as helpers. The claim of the petitioner union is that in other sections such as C.S.P. Mines, the General Mazdoors after completing three years of service are promoted and upgraded as Helpers with Category II wages. The Management is not justified in not promoting the workmen for the post of Helpers in Category II.

13. On the other hand the contention of the Respondent-Management is that there is no category II employees in the Electrical Section. There is nothing like promotion from general mazdoor who is in Category I to Category II. There is no such right for any one to make such a demand. The allegation that if a general mazdoor puts in 3 years of experience he is entitled to post of helper to Armature winder is not correct. There is no provision existing in the service rules of the company nor are there any circulars to that effect to give such a right to the claimants. It is a fact that those workmen completed 4 years as General Mazdoors in Electrical Section.

14. A reading of the evidences of the workmen clearly shows that all the 12 workmen in question are working as helpers in the Armature Winders in Area Workshop at Godavarikhani. No doubt the said 12 workmen in question are appointed as General Mazdoors but they are working as Helpers. There is a provision that whoever completes three years of service, they are eligible for promotion. The general mazdoors are working as acting Helpers for the past four years, they are bound to be promoted. A perusal of the documents would show that there are instances where the general mazdoors working in Open Cast Mine, Manuguru were promoted to the category II i.e. the Helper post. The contention of the Respondent-Management that the general mazdoor is entitled for promotion as Tyndal only and not as Helper is absolutely wrong. As per the Joint Bipartite Committee for Coal Industry the general mazdoors working in Area Workshop Electrical Section, they are entitled for promotion as Helpers. As per Ex. W17 it is clear that promotions were given to some general mazdoors as Helpers in Category II. If there is no promotion for the 12 workmen in question the very purpose of Joint Bipartite Committee for the Coal Industry scheme for the promotion of various categories working in the coal mines is defeated. Hence I find no reason why the Respondent-Management had not promoted the 12 workmen in question even though they have put in more than three years of service and most of them are Literates and having gained experience in that particular line and having acted as Helper for a long period. On a considera-

tion of the evidence, facts and circumstances of the case, I am clearly of the view that the 12 General Mazdoors mentioned in Schedule I of the reference are entitled for promotion to Category II from Category I.

15. In the result, the action of the Management of M/s. Singareni Collieries Company Limited, Area-I, Ramagundam Division, P.O. Godavarikhani, Dist. Karimnagar in denying promotion to Category II to the 12 General Mazdoors Cat. I (vide Schedule I) of Area Workshop, Electrical Section, Godavarikhani are not justified. The Workmen in question are entitled for promotion to Category II w.e.f. 21-11-1986.

Award passed accordingly.

Typed to my dictation, given under my hand and the seal of this Tribunal, this the 13th day of July, 1993.

Y. VENKATACHALAM, Industrial Tribunal-I

Appendix of Evidence

Witnesses Examined for the Workmen :	Witnesses Examined for the Management :
W.W.1 K. Bhagwan Reddy	M.W1 Sri P.B.R. Rayanna
W.W.2 S. Agam Rao	M.W2 Sri P. Chandra Kant Sarma
W.W.3 K. Shankaraiah	
W.W.4 N. Rama Murthy	

Documents marked for the Workmen :

- Ex. W1 21-11-86.—Representation dt. 21-11-86 made by vice President, Singareni Coal Mines Karmika Sangh to the General Manager, S.C. Co. Ltd., Ramagundam Division, Area-I with regard to promotion to Mazdoors of Electrical Winding Section as helpers
- Ex. W2 6-2-87.—Representation dt. 6-2-87 made by Secretary, Singareni Coal Mines Karmika Sangh to the General Manager, Ramagundam Area-I with regard to promotion to Mazdoors of Electrical Winding Section as Helpers and to fix a date for discussion to settle the issue at an early date.
- Ex. W2 12-6-87.—Minutes of discussions held on 12-6-87 between the Management of S.C. Company Limited, Ramagundam Area-I and their workmen represented by Singareni Coal Mines Karmika Sangh regarding alleged non-grant of promotion as Armature winding Helpers (Cat. II) to S. Ramachary and 11 other General Mazdoors, Cat. I of Area Workshop, RG.
- Ex. W4 30-10-87.—Failure of Conciliation Report dt. 30-10-87.
- Ex. W5 7-8-84.—Photostat copy of the Office order dt. 7-8-84 issued to R. Prabhakar and 6 others by the Additional CME, Ramagundam Division, S.C. Co. Ltd., appointing them as General Mazdoors, Category-I.
- Ex. W6 1-3-87.—Photostat copy of the Service Certificate dt. 1-2-87 issued to Rampalli Prabhakar by the Divisional Engineer, S.C. Co. Ltd., Ramagundam.
- Ex. W-7/29-3-84/1-4-84.—Photostat copy of the confirmation order dt. 29-3-84/1-4-84 issued to Abdul Hameed and 2 others by the Additional C.E. Ramagundam Division, S.C. Co. Ltd.
- Ex. W8 7-8-86.—Photostat copy of the Service Certificate dt. 7-8-86 issued to Aggu Thirupathi by the Divisional Engineer (Area Workshop; Ramagundam Division, S.C. Co. Ltd.,
- Ex. W9 19-1-82.—Photostat copy of the appointment order dt. 19-1-82 issued to Cholleti Ramulu by the Divisional Superintendent, Ramagundam Division-I as General Mazdoors Category-I.

- Ex. W10 14/17-5-82.—Photostat copy of the confirmation order dt. 14/17-5-82 issued to Cholleti Ramulu by the Additional C.E. (E & M) R. G. S.C. Co. Ltd.,
- Ex. W11 15-9-88.—Photostat copy of the Service Certificate dt. 15-9-88 issued to Cholleti Ramulu by the Divisional Engineer (Area Workshop) Ramagundam Division, S.C. Co. Ltd.,
- Ex. W12 3-8-86.—Photostat copy of the Service Certificate dt. 3-8-86 issued to S. Ramachary by the Divisional Engineer, (Area-Workshop) Ramagundam Division, S.C. Co. Ltd.,
- Ex. W13 22-10-84.—Photostat copy of the Order dt. 22-10-84 issued to Surabadi Agama Rao, by the Dy. C.M.E. GDK No. I Incline drafted him to work as General Mazdoor, Cat. I with effect from 22-10-84 and transferred to Area workshop, Ramagundam and relieved of his duties on 22-10-84 and directed to report for duty to Sr. Divisional Engineer, Area Workshop, Rg. on 23-10-84.
- Ex. W14.—Booklet of the cadre Schemes finalised by the promotion policy committees of NCWA II and NCWA-III till the end of September, 1985.
- Ex. W15.—Photostat copy of the promotion order dt. 12-5-1985 issued to K. Laxmaiah and 2 others as helpers in category II by the Additional Chief Mining Engineer, Manuguru Division, S.C. Co. Ltd.,
- Ex. W16 22-10-84.—Photostat copy of the transferred relieved order dt. 22-10-84 issued to Surabadi Agama Rao by the Dy. C.M.E., GDK. No. I Incline S.C. Co. Ltd., Godavarikhani.
- Ex. W17 12-5-85.—Photostat copy of the Order dt. 12-5-85 issued to K. Laxmaiah and 2 others by the Additional Chief Mining Engineer, Manuguru Division promoting them as helpers.
- Ex. W18 25-3-82.—Photostat copy of the Memorandum of Settlement arrived at under Section 12(3) of the I.D. Act, 1947 in the course of Conciliation Proceedings held in the Office of Executive Director, Godavarikhani on 25-3-82 in the I. D. between the Management of S.C. Co. Ltd., Godavarikhani and their workmen represented by S.C.E.W. Union, Godavarikhani regarding designating appropriately the persons/workers who are doing the job of Armature winding at Area workshop RG.
- Ex. W19 26-7-82.—Photostat copy of the letter dt. 26-7-1982 addressed to the Divisional Superintendent M/s. S.C. Co. Ltd., Ramagundam Division-I, Godavarikhani by the Asst. Labour Commissioner (C) II, Hyderabad with regard to implementation of the Memorandum of Settlement dt. 25-3-82.

Documents marked for the Management :

- Ex. M1 3-3-89.—Photostat copy of the Memorandum of Settlement arrived at U/s. 12(3) of the I.D. Act, 1947 between the Management of S.C. Co. Ltd., Kothagudem and their Workmen represented by S.C. Workers Union (AITUC), S.C.M.L. Union (INTUC), S.C. Employees Union (CITU), S. C. Mines and Engineering Workers Union (HMS), S.C. M. K. Sangh (B.M.S.) and S.I.C.C. Association before the C.L.C. (C), New Delhi on 3-3-1989 at Hyderabad.
- Ex. M2.—Photostat copy of the Work study report relating to Electrical rewinding of the motors.

नई दिल्ली, 5 अगस्त, 1993

का. धा. 1791 — औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्वय में, केन्द्रीय सरकार भारत पेट्रोलिएम कॉर्पोरेशन लिमिटेड के प्रबंधकों के संबंध में नियोजकों और उनके कर्मचारियों के बीच, अन्वय में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कम लेबर कोर्ट नं.-2 बम्बई के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 4/8/93 को प्राप्त हुआ था।

[संख्या पत्र—30012/32/90—ग्राह्य प्रार (मिस.)]

बी. एम. डेविड, डेस्क अधिकारी

New Delhi, the 5th August, 1993

S.O. 1791.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court No. 2, Bombay as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Bharat Petroleum Corporation Ltd., and their workmen, which was received by the Central Government on 4-8-1993.

[No. L-30012/32/90-IR (Misc.)]

B. M. DAVID, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2 BOMBAY

PRESENT :

Shri P. D. Apshankar, Presiding Officer.

Reference No. CGIT-2/14 of 1991

PARTIES :

Employers in relation to the management of Bharat Petroleum Corporation Ltd., Sewree Installation

V/S.

Their Workmen.

APPEARANCES :

For the Employer—Shri P. K. Rele, Rep.

For the Workmen—Shri Rajiva Shetty, Rep.

INDUSTRY : Petroleum STATE : Maharashtra
Bombay, the 21st July, 1993

AWARD

The Central Government by their order No. L-30012/32/90-IR (Misc.) dated 27-3-1991 have referred the following industrial dispute to this Tribunal for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947.

"Whether the action of the management of Bharat Petroleum Corporation Ltd., Sewree Installation in suspending Mr. Satish Kumar, Clerk Typist 'B' from 4-3-1989 to 7-3-1989 by way of punishment is legal and justified? If not, to what relief the workman is entitled?"

2. The case of the workman Shri Satish Kumar as disclosed from the statement of claim (Ex. 2) filed on his behalf by the General Secretary of the Petroleum Employees Union, in short, is thus :—

The said workman was working as Clerk Typist 'B' with the Bharat Petroleum Corporation Ltd., Bombay. On 4-9-1987 a show cause notice was issued to him by the Sr. Installation Manager Sewree of BPCL, wherein it was mentioned that the said workman Shri P. M. Satish Kumar had stopped Shri V. D. Sonawane, Son, in the canteen, and questioned him about the quality of the eatables in the plate, that the said workman shouted and used abusing language regarding the poor quality of food in the plate, which led to a commotion in the canteen hall. The said workman replied to that show cause notice.

Thereafter, a charge sheet was issued against him for—

1. Obstructing a Corporation's Official in carrying out his duties ;
2. an act of disorderly behaviour on his part within the premises of the Corporation while on duty,
3. use of abusive and vulgar language within the premises of the Corporation while on duty,

4. An act subversive of discipline.

The said workman denied the charges levelled against him. A false chargesheet was issued against him as he was the office bearer of the Union.

Shri G. P. Mathur was appointed as an Enquiry Officer, who conducted the enquiry against the workman from October 1987 to October 1988. On 3-3-1989 the copy of report of the enquiry was sent to the workman, and the letter containing the order of punishment or suspension from service for 4 days, was sent to him. The Union alleged that the action of the General Manager (Supply and Distribution) of Bharat Petroleum in the matter is improper, unjust, and illegal, as

1. The charges mentioned in the chargesheet issued to the workman were vague.
2. The show cause notice and the chargesheet were issued by an authority which was neither appointing authority nor disciplinary authority, and hence, the show cause notice and the charge sheet issued against the workman, and the enquiry held against him are ab-initio invalid, null and void.
3. The said workman Shri Satish Kumar was not given an opportunity of being heard before the punishment was inflicted upon him, and this is contrary to the rules of natural justice.
4. The report of the Enquiry Officer is biased and one sided, and the enquiry officer considered the evidence favourable to the management, and ignored the evidence which was favourable to the workman.

The union, therefore, alleged that the punishment awarded to the said workman is improper, illegal and unjust. The Union therefore lastly prayed that this Tribunal should direct the management :—

1. To revoke the suspension order of the workman of the period of 4-3-1989 to 7-3-1989,
2. To pay the wages of the said period to the workman which were deducted from his wages,
3. Due to disciplinary action against the said workman, his housing loan was not cleared for a considerable period of time and that he was required to suffer a loss by paying interest to the builder, for which he should be compensated,
4. From the date of punishment he was debarred from promotion for 3 years, otherwise he would have got the promotion in the management Cadre in 1988, and as such the management should pay him compensation of Rs. 1 lakhs,
5. The above said workman was put under mental tension for which he should be adequately compensated by the management.

3. The Bharat Petroleum Corporation Ltd., by their written statement (Ex. 3) opposed and contested the said claim of the union, and in substance contended thus :—

The Corporation has at its Sewree Installation, a departmentally run canteen for the employees of the Corporation. The cooks and other workmen employed in the canteen are the employees of the Corporation. The Corporation had nominated a clerical typist and an Officer Shri V. D. Sonawane to supervise the working of the canteen. On 22nd August, 1988 i.e. on Saturday during the month of Sravana the canteen prepared Sabudana Khichdi as one of the item of catables for consumption by those who observed the fast. Mr. Satish Kumar, a Clerical Typist, was reported to have gone for his breakfast at 9.30 a.m. or there about in the canteen, when certain workmen who were taking their breakfast between 9.00 a.m. and 9.30 a.m. allegedly approached him with a complaint that Sabudana Khichdi had more oil than necessary, and was of bad taste. Mr. Satish Kumar purporting to espouse the cause of the workmen was reported to have accosted Mr. V. D. Sonawane, so, in the canteen hall, who was proceeding to investigate the matter regarding

alleged sub-standard nature of Sabudana Khichdi and charged at him with a plate of Sabudana Khichdi. He was further reported to have used abusive language which led to a commotion in the canteen hall. There a show cause notice dated 4-9-1987 was issued to the said workman to show cause why disciplinary action should not be taken against him for the following misconduct :—

- (a) Obstructing a Corporation's Official in carrying out his duties,
- (b) An act of disorderly behaviour within the premises of the Corporation while on duty,
- (c) Use of abusive and vulgar language within the premises of the Corporation while on duty, and
- (d) An act subversive of discipline.

The workman submitted his explanation and forwarded a memorandum alleged to have been signed by 177 workmen protesting against the issuing of the show cause notice to the workman. The workman denied all the charges levelled against him by his explanation sent to the Corporation. Being dis-satisfied with the said explanation, a chargesheet dated 5-10-1987 was issued to the workman for the above said alleged misconduct committed by him. A further charge for wilful insubordination was also levelled against the workman, in view of the fact that he had tried to pressurise the management by forwarding the above said memorandum allegedly signed by 177 workmen. Shri G. P. Mathur Manager (Supplies), was appointed as the enquiry officer to conduct the necessary enquiry against the workman. During the course of enquiry, the Enquiry Officer explained the procedure of the enquiry to the workman. The Enquiry Officer explained the charge to the workman, and he denied it. The said workman was allowed to be represented by a person of his choice, namely, Shri Bhagvan Kulkarni during the enquiry proceedings. During the enquiry proceedings, three witnesses were examined on behalf of the Corporation, and the workman also examined three witnesses on his behalf. The workman himself did not give any statement before the Enquiry Officer.

Out of the five charges levelled against the workman, the Enquiry Officer found him guilty only of two charges, namely, "disorderly behaviour subversive of discipline", and one more. However, the General Manager (S&D) did not accept the findings of the Enquiry Officer regarding the charge of "of an act subversive of discipline", and found him guilty only of one charge, i.e. of disorderly behaviour within the premises of the Corporation while on duty. Even though the said charge which was found duly proved, was a serious charge, the General Manager took a lenient view taking into consideration the fact that it was the first act of misconduct on part of the said workman, and passed an order suspending the workman from service for four days without wages, i.e. from 4-3-1989 to 7-3-1989 (both days inclusive). The management lastly contended that the enquiry held against the workman was held properly and legally, and as per the rules of natural justice.

As regards the difference allegations made by the Union in their statement of claim, the management denied that the charges levelled against the workman were vague. There is no provision in the certified standing order that the show cause notice and the chargesheet must be issued by the Appointing Authority or by the Disciplinary Authority. As such it is true that the chargesheet issued to the workman and the enquiry held against him are void ab initio or are invalid. There is also no provision in the certified standing orders applicable to the workman of Sewree Installation that a second opportunity must be given to the workman before inflicting the punishment upon him, and as such, the question of giving such opportunity to the said workman does not rise. It is not true that the enquiry officer took into consideration the evidence favourable to the management and ignored the evidence led by the workman. The findings of the Enquiry Officer are not perverse, and as such this Tribunal has no jurisdiction to interfere with those findings. It is not true that the said workman was harassed or that a false chargesheet was issued against him because he was the union activist person, as alleged by the workman. The said workman was not eligible to promotion to the post of the management cadre, and as such, it is not true that the said workman was deprived of his promotion because

of the order of suspension passed against him. The management lastly contended that no case existed for the grant of any of reliefs to the workman as prayed by him, and as such, *us request should be rejected by this Tribunal.*

4. The Issues framed at Ex. 4 are :

1. Whether the inquiry held against the workman was ab initio invalid, null and void ?
2. Whether the inquiry against the workman was not held properly, and the rules of natural justice were not followed ?
3. Whether the Inquiry Officer took a biased view of the matter and ignored the evidence favourable to the workman ?
4. Whether the action of the management of Bharat Petroleum Corporation Ltd., Sevree Installation in suspending Mr. Satish Kumar, Clerk-Typist 'B' from 4-3-1989 to 7-3-1989 by way of punishment is legal and justified ?
5. If not, to what relief is the workman entitled ?
6. What Award ?

5. My findings on the said Issues are :—

1. No.
2. Held properly.
3. No.
4. As per Award below.
5. As per Award below.
6. As per below.

REASONS

6. The union filed the affidavit (Ex. 36) of Shri U. D. Joshi, the General Secretary of the Petroleum Employees Union in support of the case of the workman in question. He was cross-examined on behalf of the management. In his cross-examination he admitted that he has no personal knowledge about the incident in question, and that he was not present at the time of the enquiry proceedings held against the said workman. As such the affidavit of the said witness is of no use to the workman. No oral evidence was led on behalf of the management.

ISSUES NOS. 1, 2 and 3

7. According to the management, the inquiry held against the said workman was void ab-initio, was invalid, and that the said inquiry was not held properly and the rules of natural justice were not followed. However, I find that the said inquiry was not void or invalid in any way, and that it was conducted properly, and the rules of natural justice were properly followed. Out of five charges levelled against the said workman, two charges were held proved by the enquiry officer. Therefore, it must be said that the management was of bona fide opinion that the said workman had committed certain misconduct and had behaved in a disorderly manner in the premises of the corporation, i.e. in the canteen premises, and as such, the management started the inquiry proceedings against the workman. Therefore, the enquiry conducted against the workman cannot be considered as void, ab-initio or improper and invalid.

8. Before the necessary enquiry was started against the said workman Shri Satish Kumar, the Clerk typist, the show cause notice dated 4-9-1987 (Ex. 5) was issued to him by Sr. Installation Manager as to why the disciplinary action should not be taken against him for his alleged act of misconduct. The said workman by his reply dated 11-9-1987 (Ex. 6) denied all allegations made against him, and stated that no inquiry be held against him. The management after taking into consideration the said reply of the workman issued the necessary charge sheet dated 5-10-1987 (Ex. 8) against the workman. That charge sheet was issued by Installation Manager of the Corporation. The necessary charges levelled against the workman were mentioned in that charge sheet. By that charge sheet, the workman was informed that he might bring his fellow workman to assist him during the enquiry proceedings and that he may produced the necessary documents and his witnesses before the Enquiry Officer.

9. The Enquiry proceedings were conducted by the Enquiry Officer Shri G. P. Mathur, B. W. Kulkarni, General Secretary of the petroleum employees union, was the representative of the said workman during the enquiry proceedings. During the enquiry proceedings, three witnesses were examined on behalf of the management and they were cross-examined by the said representative of the workman. Three witnesses were examined also on behalf of the workman, and they were cross-examined on behalf of the workman.

10. According to the union, the Enquiry Officer had taken a biased view of the matter, and had ignored the evidence favourable to the workman. However, it will be seen from the enquiry report dated 21-2-1989 (Ex. 26) submitted by the Enquiry Officer, that he had properly taken into consideration the evidence on record. It will be seen from that enquiry report that he had mentioned in his enquiry report the substance of the deposition of each of the witnesses of the management and of the workman. As such he had not ignored the evidence led on behalf of the workman. The Enquiry Officer discussed the contradictions and discrepancies in the evidence of the three witnesses of the union. As such the Enquiry Officer had carefully examined the evidence on record of the different witnesses. On going to enquiry report I find that the conclusions arrived at by Enquiry Officer are quite just and proper and are based upon the evidence led before him. There is nothing on record to show that Enquiry Office had a bias against the workman. He appeared to be quite an impartial person. Out of the five charges levelled against the workman, the Enquiry Officer found the workman guilty only of two charges namely, committing an act of disorderly behaviour within the premises of the corporation while on duty and of committing an act subversive of discipline. This also shows that the Enquiry Officer had not ignored the evidence led on behalf of the workman, that he had no bias against the workman, and that he was an impartial person.

11. Even though the Enquiry Officer found that the workman was guilty of the said two charges, the Disciplinary Authority i.e. the General Manager (S&D) on going through the report of the Enquiry Officer did not concur with the finding that the workman was guilty of the charge of committing an act subversive of discipline. He accepted the finding of the Enquiry Officer holding the workman guilty of the charge of committing an act of disorderly behaviour within the premises of the corporation while on duty. This also shows that the management had also no bias against the workman, and that the workman was not falsely implicated in a charge due to any union activities on this part as alleged by the workman. The General Manager (S&D) by his order dated 3-3-1989 passed an order of suspension of the workman from the service for four days. This order of suspension was communicated to the workman by Shri Pingle on behalf of the Chief Personnel Manager by the letter dated 3-3-1989 (Ex. 27). Along with that letter, the copies of the enquiry proceedings and enquiry report were sent to the workman.

12. Against that order of suspension, the workman filed an appeal dated 22-6-1989 to the Chairman and the Managing Director, i.e. Appellate Authority. The Appellate Authority by its letter dated 20-7-1989 (Ex. 29) rejected the workman's said appeal. However it will be seen therefrom that the Chairman and Managing Director of the Corporation had answered all the points raised by the workman in his appeal, and that it was not a mechanical order, but that the Appellate Authority had applied its mind to the matter in question.

13. I, therefore, find that enquiry held against the said workman was held properly and as per the rules of natural justice, and that the Enquiry Officer had no bias against the workman.

14. In the present case, the show cause notice as to why the disciplinary action should not be taken against the workman was issued by Sr. Installation Manager, and the necessary charge sheet dated 5-10-1987 was also issued by Sr. Installation Manager. However, the order regarding the suspension

of the workman from the service for four days was passed by General Manager (S&D) on 3-3-1989. It was urged on behalf of the union that as the show cause notice and the charge sheet were issued by Sr. Installation Manager, the General Manager (S&D) who passed the order of punishment suspending the workman from the service, was not competent to pass that order. However, as rightly contended on behalf of the management, the post of General Manager (S&D) is not inferior in rank to that of Sr. Installation Manager. Therefore, I find that the General Manager (S&D) was quite competent to pass the order of punishment upon the workman. According to the union, the charges levelled against the workman are vague. However, it was clearly mentioned in the show cause notice dated 4-9-1987 (Ex. 5) thus :

"It is reported to me that on August 22, 1987, when you were on duty at about 0930 hours in the Sewree Canteen Hall, you stopped Mr. V. D. Sonawane, so, who was proceeding to investigate the matter regarding the sub-standard nature of some food items in the plate. You shouted and used abusive language regarding the said poor quality of the food, which led to a commotion in the canteen hall."

15. Thereafter the acts of misconduct committed by the workman were mentioned. Therefore, in view of the mentioning of the particulars in the show cause notice as above, it cannot be said that the charges framed against the workman by the chargesheet dated 5-10-1987 (Ex. 8) were vague. I find that the charges framed against the workman are not vague in any way.

16. In the present case before the order of punishment was passed upon the workman by the order dated 3-3-1989, suspending him from the service for four days, the copies of the enquiry proceedings and of the enquiry report were not supplied to the workman, and he was also not heard by the Disciplinary authority regarding the proposed punishment against him. Therefore, according to the union, this procedure followed by the management was unjust and illegal, and as such, the punishment order passed against him was not sustainable against the workman. In this connection, the reliance was placed by the union upon the judgement of the Supreme Court of India reported in 1991 C.L.R. 1 (page 61). (The Union of India V/s. Mohd. Ramzan Khan). It was held therein by the Judgement dated 20-11-1990 that the supply of the copy of the enquiry report along with the recommendation, if any in the matter of proposed punishment would be within the rules of natural justice, and the delinquent workman would therefore be entitled to the supply of a copy thereof. However, my attention was then drawn on behalf of the management to the subsequent decisions of the Supreme Court of India, and of High Court of Bombay. The case between S. P. Vishwanathan and the Union of India was decided by the Supreme Court of India by the judgement dated 6-3-1991. The earlier case of Mohamad Ramzan Khan referred to above was discussed in the case between S. P. Vishwanathan and the Union of India, reported in 1992 1 CLR Page 526. It was held in that other subsequent case (Ex. 5) decided on 6-3-1991 thus :—

"It is true that this court (i.e. The Supreme Court of India) has held that if the enquiry report is not supplied to the delinquent workman before passing the order of punishment, the order would be rendered illegal, but the position of this Supreme Court is given the prospective affect. It will not affect the order passed prior to the date of the rendering of the Judgement dt. 29-11-1990."

17. The suspension order of the workman in question was passed on 3-3-1989. In the reported in 1992 CLR page 792 between Ravindra Umesh Kokarn V/s. Keen Williams Ltd., the High Court of Bombay rejected the submission of the workman that the requirement of furnishing a copy of the Enquiry Officer's report and affording an opportunity of hearing/representation there against, before making the

findings, is to be a general principle of natural justice applicable to all domestic enquiries conducted against industrial workman.

18. Therefore, as per the rulings of the Supreme Court of India and of the High Court of Bombay, as above, even though no opportunity was given to the workman in question of being heard regarding the proposed punishment, no illegality has thereby occurred. Further, as per order 23(6) of the Standing Orders applicable to clerks at Bombay installation of Kurnash-shell (Ex. 34), in awarding punishment under this standing order, the Manager should take into account the gravity of the misconduct, the previous record, if any, of the clerk, and any other extenuating or aggravating circumstances that may exist. Therefore, as per this standing order, it will not be obligatory upon the management to supply the copies of enquiry proceedings and enquiry report to the workman, and to hear him about the proposed punishment, before the punishment order is passed against him.

19. I, therefore, find that, while passing an order of punishment against the workman, no illegal procedure has been followed by the management in the present case. Therefore, for the reasons mentioned above, Issues Nos. 1 and 3 are found in the negative, and that the findings on Issue No. 2 is that the enquiry held against the workman was held properly and the rules of natural justice were properly followed.

ISSUES NOS. 4 & 5.

20. In the present case, the workman in question was suspended from service for four days. Therefore, in substance he was discharged from service for four days. As such this Tribunal can exercise the necessary power under section 11A of the Industrial Disputes Act. Even though the Enquiry Officer had found the said workman guilty of two charges, the General Manager (S&D) found the workman guilty of one charge, namely the charge of committing an act of disorderly behaviour within the premises of the corporation while on duty. For that charge which was held proved, the General Manager passed an order dt. 3-3-1989 (Ex. 28) suspending the said workman from the service for four days. I find that this order of suspension from service for four days is too harsh, and disproportionate to the only one charge, as above, held proved against the workman. In my opinion, some lesser punishment should have been awarded to the workman by the management. In my opinion, if the punishment of warning is inflicted by the Disciplinary Authority, it would meet the ends of justice. It would be a just and proper punishment, taking into consideration the nature of that charge.

Issues Nos. 4 and 5 are, therefore, found accordingly.

2. Therefore, the following Award as passed :—

AWARD

The action of the management of Bharat Petroleum Corporation Ltd. Sewree installation, in imposing the punishment upon Shri Satish Kumar, the Clerk Tyrist, for the misconduct committed by him, is just, proper and legal.

However, the action of the management in imposing the punishment of suspending him from service for four days, is not just, proper, and legal. Therefore, that order of suspension from service is hereby set aside. The aforesaid management to issue the letter of warning to the said workman for the said act of disorderly behaviour committed by him.

The management is, however, directed to pay the said workman the wages of the said four days of suspension.

The parties to bear their own costs of this reference.

P. D. APSHANKAR, Presiding Officer

21 July, 1993.

नई दिल्ली, 5 अगस्त, 1993-

का. प्रा. 1792.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, सेंट्रल वेयर हाउसिंग कार्पोरेशन के अध्यक्ष के संवद नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार, औद्योगिक अधिकरण, कम लेबर कोर्ट, चण्डीगढ़ के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 4/8/93 को प्राप्त हुआ था

[संख्या एल—42012/2/90—आई आर (मिस.)]

बा. एम. डेविड, डेस्क अधिकारी

New Delhi, the 5th August, 1993

S.O. 1792.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court, Chandigarh as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Central Warehousing Corporation and their workmen which was received by the Central Government on 4-8-1993.

[No. L-42012/2/90-IR(Misc.)]

B. M. DAVID, Desk Officer

ANNEXURE

BEFORE SHRI ARVIND KUMAR, PRESIDING OFFICER,
CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT, CHANDIGARH

Case No. I.D. 147/90

Ajaib Singh Vs. Central Warehousing Corpn.

For the workman—None.

For the management—Pardeep Sharma.

AWARD

Central Government vide gazette notification No. L-42012/2/90-IR (misc.) dated 24th October, 1990 issued U/S 10(1)(d) of the I.D. Act, 1947 referred the following dispute to this Tribunal for adjudication.

"Whether the action of the management of Central Warehousing Corpn., Nabha in terminating the services of Shri Ajaib Singh, Chowkidar w.e.f. 1-12-1988 is justified? If not, to what relief the workman is entitled?"

2. It has been alleged in the statement of claim that he was employed as chowkidar on 13-8-1987. His services were terminated on 1-12-1988 without any notice charge sheet, and enquiry in violation of Section 25G and H and 25F of the I.D. Act. It is further alleged that action of the management is illegal, unjust and arbitrary. It is further alleged that new hands and the juniors are still in service of the employer and thus has prayed for reinstatement with full wages.

3. The management in their written statement has taken preliminary objection that the petitioner was habitual absentee. He was engaged as a Chowkidar on 14-8-1987 but however he is absenting since 17-9-1988 and the management never terminated the services of the petitioner and therefore, question of notice, charge sheet and enquiry does not arise. The petitioner of his own abandoned his services at his own violation on 17-9-1988. Other contentions were denied and prayed for the dismissal of the reference.

4. Number of registered notices were sent to the petitioner but he did not put up appearance and the management was asked to adduce evidence. Mr. D. K. Gupta, MW-1 Asstt. Engineer, Central Warehousing Corpn. appeared. He tendered copy of the muster roll Ex M1. He has also stated that no junior has been retained. He also stated that the petitioner had himself abandoned the job w.e.f. 17-9-1988.

5. I have heard counsel for the respdt. and gone through the evidence and record.

6. The inference that an employee has abandoned or relinquish the service can only be drawn from the surrounding circumstances and from the length of absence. Right from 1980 till the raising of the present reference, it is even not evident from the statement of claim that he did take some steps even to approach the management for taking him back in the service. Present reference was raised in the year 1990. The petitioner had remained from 10 to 11 years. The petitioner also did not care to apply leave or explain in his absence even after his name was removed from the muster roll on account of his continuing long absence. The petitioner has also not appeared in the Court to adduce his evidence in order to explain his absence. Therefore, conclusion can easily be drawn that the services of the petitioner never terminated at the behest of the respdt. management rather he himself had abandoned the service and voluntarily relinquish his job and thus not entitled for any relief by way of re-instatement and back wages. The ratio laid down in 1988 L.L.C. page 288. The Managing Director Vs. Bansahep Devgandha Patil and another is followed.

7. The management has also filed muster roll Ex M1. Plea of the management that he had abandoned the job w.e.f. 17-9-1988 and not that his services were terminated as on 1-12-1988. Plea of the management seems to be correct because in the muster roll for October 1988 the petitioner had not shown to have been working with the management. After perusing the said muster roll the petitioner had also not shown to have worked for 240 days preceding 12 months from September, 1988.

8. The plea of the violation of Section 25G and 25H is also rejected for want of evidence.

9. Therefore, in view of the discussion made in the earlier paras, this is certainly a case of abandonment of the services by the petitioner and the petitioner is not entitled to have any reinstatement with back wages. The reference is dismissed and returned to the Ministry.

Sd/- (Illegible)

Presiding Officer

नई दिल्ली, 4 अगस्त, 1993

का. प्रा. 1793.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबंधन के संवद नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, हैदराबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3/8/93 को प्राप्त हुआ था।

[संख्या एल—12012/5/87—डी-11(ए)]

के. वी. बा. उन्नी, डेस्क अधिकारी

New Delhi, the 4th August, 1993

S.O. 1793.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Hyderabad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of State Bank of India and their workmen, which was received by the Central Government on 3rd August, 1993.

[No. L-12012/5/87-DII(A)]

K. V. B. UNNY, Desk Office.

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL
AT HYDERABAD

PRESENT :

Sri Y Venkatachalam, M.A., B.L.,
Industrial Tribunal-I.

Dated : the 19th day of July, 1993

Industrial Dispute No. 7 of 1988

BETWEEN :

The workmen of State Bank of India, Hyderabad.

.....Petitioner.

AND

The Management of State Bank of India, Hyderabad.

....Respondent.

APPEARANCES :

Sri P. Venkateswara Rao, President, S.B.I. Staff Association, Hyderabad.

Sri B. Muhammed Ali, Law Officer, State Bank of India, Local Head Office, Hyderabad.

AWARD

The Government of India, Ministry of Labour, by its Order No. L-14012/5/87.D.II(A) dt. 5-1-1988 referred the following dispute under section 10(1)(d)(2A) of the Industrial Disputes Act, 1947 between the employers in relation to the management of State Bank of India and their workmen to this Tribunal for adjudication :

"Whether the action of the management of State Bank of India, in treating the absence of Sri M. V. Naidu, Assistant Head Cashier, as voluntary vacation of employment with effect from 23-7-1985 is justified? If not, to what relief is the workman entitled?"

This reference was registered as Industrial Dispute No. 7 of 1988 and notices were given to both the parties.

2. The brief contents of the claim statement filed by the Petitioner-workman read as follows :

The Petitioner-workman was appointed in the Bank in the year 1966 as Cashier at the Bank's Branch at Kovvur and in 1970 he was transferred to Bank's Branch at Ramachandrapuram Branch in the East Godavari District. This transfer was at his request. Immediately on receipt of the communication in regard to the formation of a new Union and with the fear that large number of employees were likely to join the new which was not to the liking of the Bank's Administration and the Recognised Union leaders, a plan was hatched out to stall the growth of the new union and as a first measure in that direction, the Bank's Local Head Office issued instructions to the Regional Office to immediately transfer the petitioner from Ramachandrapuram Branch in the East Godavari District to the Ichapuram Branch in Srikakulam District bordering Orissa, violating the provisions of the Desai Award, the Bank's own laid down and admitted policy on transfer of employees apart from being an unfair labour practice. The sudden transfer orders were served on him on 3-8-1982. As the transfer was bad in law as it was solely intended to cripple the growth of the Union and being most unreasonable order, he went to leave for some time and in the meanwhile raised an I.D. before the Assistant Labour Commissioner (Central), Hyderabad. The matter was finally referred to the Central Government, indicating the failure of settlement. The Government of India not going deep into the most impermissible and legal and unfair transfer orders of the Bank and on considering as a fit case to refer adjudication, the association had to file a Writ Petition before the Hon'ble High Court of Andhra Pradesh. Pending decision of the High Court in the matter, he indicated to the Bank that since the order of transfer was bad in law, the transfer order is not enforceable on him and even as per the admitted policy of the Bank, he must be continued only at Ramachandrapuram Branch as per the option letter given by him for promotions to the cadre of Deputy Head Cashier in response to the Bank's Circular dt. 23-7-1980 and he could not be compelled to join at Ichapuram Branch. Pending decision of the High Court for reference of the dispute to the adjudication, and taking him not joining at Ichapuram Branch as voluntary vacation, the Bank issued Press Notification of its decision to treat him absence as voluntary vacation from service of the Bank. Aggrieved by the decision of the Bank, he again raised another dispute before the Asst. Labour Commissioner (Central), Hyderabad. As no amicable settlement could be reached, the Asst. Labour Commissioner (Central) Hyderabad sent the failure report to the Government of India. The Government of India preferred not to refer the dispute for adjudication, this time for

the reason that the earlier decision of the Government was questioned before the Hon'ble High Court and that Writ Petition was still pending. Compelled by the decision of the Government in not referring the dispute for adjudication, a second Writ Petition was filed before the Hon'ble High Court of Andhra Pradesh. Pending decision of the High Court in the Writ Petition, this dispute now has been referred to the Hon'ble Tribunal, the terms of which are in the schedule to this reference. It is respectfully submitted that behind the decision of "treating as voluntary vacation" is the absence for duty at Ichapuram which arose on account of the most unreasonable, unlawful and mala fide action on the part of the Management. It is, therefore, submitted that the Hon'ble Tribunal may be pleased to decide on the question of validity of the "transfer order" dated 3-8-1982 as a preliminary issue and directly connected issue. While considering an employee's promotion and posting, not only his seniority but also his restricted option are also considered in such a manner at any given point of time no junior is posted on promotion at any of the branches where a senior has opted for promotion to the Branch. On account of this policy, there are several senior employees in several branches who could not be promoted on account of their restricted options. In big branches like Vijayawada, Guntur, Hyderabad etc. at any time there will be comparatively senior employee continuing as clerk/cashiers/ Assistant Head Cashiers while their juniors are promoted earlier than them, on account of their option and willingness to go to any small branches. In other words an employee's right to continue at the same branch in consideration of his surrendering his right of promotion according to seniority at another branch is accepted and has been in existence since more than 20 years now. As far my case petitioner gave a restricted option in response to the Bank's Circular dt. 23rd July, 1980 which was recorded at the Hyderabad Local Head Office. In fact he was previously promoted at Ramachandrapuram Branch itself as Assistant Head Cashier from Cashier's cadre in the year 1976 by him restricted option only and was retained there at. Similarly for the promotion to Deputy Head Cashier's post also he gave a restricted option which was recorded. Therefore he submits that the Bank accepted his right to continue at Ramachandrapuram Branch itself in consideration of his foregoing the promotion that arose at other branches for which he became eligible long long back on account of his seniority. Having conceded his right to continue at Ramachandrapuram in consideration of his foregoing the promotion as Deputy Head Cashier comparatively earlier elsewhere and having accepted to continue him at Ramachandrapuram Branch itself till a Deputy Head Cashier vacancy arose thereat the Bank should not have altered this position by suddenly transferring him to Ichapuram which is nothing but "change of Service Conditions" without notice and hence violative of the provisions of the I. D. Act. It is further submitted that the transfer is violative of the spirit of the paragraph 535 of the Sastry Award as retained by the Desai Award, apart from being an "Unfair Labour Practice" under the provisions of the I. D. Act. It is, therefore, submitted that there was no reason whatsoever for the sudden transfer. Nor there were any special administrative reasons such as exigencies of service etc. assuming for a moment but not admitting such an emergent exigency arose. The Bank could not bring on record before the Assistant Labour Commissioner with any valid reason or ground. Thus, the transfer order is bad in law and hence not enforceable and not obeying the transfer order by joining at Ichapuram cannot be taken as a ground to treat the absence as voluntary vacation of service by the Bank. The transfer order was not a casual or routine action or a mistaken action. He went on leave for the first two months and made several written requests to the Bank for its cancellation. Very reasonable time was given to the Bank to undue its unjustified action of deliberately crippling the Association's growth. It is not that the State Bank of India does not know the law. It is not that the Bank does not know the impact on the members, if the General Secretary is transferred to the last branch of the State bordering Orissa. It is therefore, submitted that the action of the Bank is clearly deliberate and mala fide. The Bank in fact has achieved its ill motivated goal of discouraging any new members joining our Association while seeing to it that the members initially organised were compelled to rejoin the Recognised Union. It is submitted that the right of the Association being fundamental right, the Bank should not have resorted to such a deliberate, open and visibly mala fide act and if such an act when committed and stands to the test of judicial scrutiny, the Hon'ble Tribunal may be pleased to pass such orders as

would permanently discourage a management like State Bank of India against any repetition of such acts. It is, therefore, submitted that the Hon'ble Tribunal, may be released to hold that the transfer order dated 3-8-1982 of the State Bank of India Management is bad in law and not enforceable, that the non-obedience of transfer order and consequent absence from duty at Ichapuram cannot be a ground to treat as voluntary vacation, that he was not bound to join duty at Ichapuram in pursuance of the mala fide, deliberate and unlawful transfer order and hence that the decision of the Bank to treat his absence from duty as voluntary vacation is bad in law, and therefore to direct the Bank to put him back into service at Ramachandrapuram itself in the same position where he would have been, had not the Management resorted to the unlawful act, with all attendant and consequential benefits such as full back wages, leave, L.F.C. promotion, medical aid and all other superannuation benefits.

3. The brief contents of the counter filed by the Respondent Bank, read as follows :—

At the outset the Respondent denies various allegations made in the claim statement except those which are specifically admitted herein and the petitioner is put to strict proof of the allegations made in the claim statement. It is true that the Petitioner was transferred to Ramachandrapuram Branch at this request in 1970 and he was working at that branch till he was transferred to Ichapuram Branch in 1982. It is submitted that State Bank of India Staff Union, Hyderabad Circle is a recognised Union under the code of discipline and conditions of recognition. The allegation that the respondent management is pampering the recognised union is not correct. It is submitted that this Respondent at the time of transferring the petitioner was not aware that he was elected as General Secretary of the Association. Further the Union to which the petitioner belongs was not a registered union at the material time. It is not mentioned when the letter was addressed to the Bank's LHO at Hyderabad. It is submitted that he was transferred from Ramachandrapuram to Ichapuram purely on administrative grounds in the right direction. In 1976, he was given a punishment by way of cancellation of two annual increments for his misbehaviour at Reserve Bank of India, Bhubaneswar where he was sent as a Potedar. Again in 1979 he was awarded a punishment of stoppage by way of cancellation of three increments for his misbehaviour at Ramachandrapuram Branch. During May 1982 the Branch Inspector, who inspected the Branch, had submitted a report on Ramachandrapuram Branch with special mention about the petitioner and recommended that some of the employees/officers including the petitioner be transferred in the interest of the branch administration. Basing on this report with a view to taking appropriate corrective measure to create healthy and cordial atmosphere of staff relations and also with a view to safeguarding the Bank's interest vis-a-vis the general business at the Branch, as many as six officers were transferred from the Branch. Along with others, the petitioners, was also transferred to Ichapuram in the jurisdiction of Chief Regional Manager, Visakhapatnam. In view of the above change cordial staff relations were created and customer service had improved at Ramachandrapuram Branch. Thus it can be seen that the transfer of the petitioner was affected for administrative reasons in the interests of the Bank and it was not for any other reasons nor was it for stalling the growth of new Union which was not even formed during May 1982, when such action was contemplated. It is pertinent to quote para 536 of Sastry Award as regards transfers of workman staff which reads as follows :

"..... even in the case of workman not belonging to subordinate staff, as far as possible there shall be no transfers outside the state or the language areas in which an employee has been serving.."

"..... in all cases the number of transfers to which workmen is subjected should be strictly limited and normally it should not be more than once in a year".

Thus it can be seen that as per Sastry Award there are no restrictions on transfer of Clerical Staff within the state, language area and the periodicity of such transfer is stipulated that it should not be more than once in a year. In the instant case, the petitioner was transferred within the State and very well within the jurisdiction of the concerned Regional Office. As regards the periodicity, the transfer was made after 12 years or stay at one office. The industrial dispute raised before Asst. Labour Commissioner (Central) Hyderabad earlier on this issue ended in failure of conciliation on 25-10-1983. The Writ Petition No. 7445 of 1984 filed by the Petitioner in the Hon'ble High Court challenging the decision of the Government of India refusing to refer the dispute for adjudication was dismissed on a representation made by the petitioner that it has become infructuous. Hence the question of transfer cannot be the subject matter of these proceedings before the Hon'ble Tribunal. If the Petitioner was not happy about his transfer the proper course for him was to first abide by the order and then make a representation about his grievance. Refusal to work at the place where the employee was transferred will be tantamount to refusing to continue in service except on his own terms and conditions. It is submitted that since no interim order was passed by the Hon'ble Court, the transfer order was enforceable. The Petitioner had not been attending office after 3-8-1982 when he was relieved at Ramachandrapuram Branch. The Petitioner has supported to report at Ichapuram Branch on 10-8-1982 i.e. after availing 7 days joining time, but he did not report at that branch. All these years, despite repeated instructions he was only sending telegrams to Ichapuram branch for some time, without confirming them by leave letters requesting the Branch Manager for leave, extension of leave. The Branch Manager in turn was writing letters instructing the petitioner to join the duty immediately. Finally when all the efforts proved futile, the Respondent issued a 30 days notice to him by registered post on 5-6-1985 advising him to report for duty forthwith falling which his absence would be deemed as voluntary retirement in terms of Chapter XVI para 2 page 145 of the IVth Bipartite Settlement but in vain. (The notice was received by his wife Smt. Nimmakayala Manikyamba) Later since there was no reply/response to our above 30 days' notice as indicate therein the Respondent made a paper notification and accordingly the Petitioner was deemed to have voluntarily retired from the Bank's service with effect from 23-7-1985 i.e. after expiry of 30 days notice period in terms of memorandum of Settlement dated 17th September, 1984. The Settlement is binding both on the Management and the petitioner and respondent's action taken in this regard is legally valid and binding on the petitioner. It is submitted that the Writ Petition No. 7445 of 1984 filed by the petitioner in connection with the issue relating to transfer was dismissed. It is now not open to the petitioner to agitate the question relating to validity of transfer as that must be treated as conclusive and the question remains that when the employee refused to obey the order of transfer and remains absent for 3 years whether the Bank is justified in exercising powers under Bipartite Settlement and accordingly treating his absence as voluntary vacation. It is submitted that the Petitioner's foregoing promotion cannot restrict the management's right to transfer him. There is no 'change of service conditions' and as such the question of notice does not arise. Transfer is one of the conditions of service in Banking industry and it is the prerogative of the management to make transfer in the interests of the administration. Sri Naidu's transfer is not in violation of any provisions of the Awards or Industrial Disputes Act. The allegation made in para 17 is not correct and the provisions of para 535 of Sastry Award are not applicable to the petitioner's case. As already stated above, the transfer of the Petitioner was effected for administrative reasons in the interests of the Bank and it was not for any other reasons nor was it for crippling the Association which was not formed during May, 1982 when such action was contemplated. It is submitted that the petitioner's refusal to obey the transfer order was unjustified. As already submitted above if the Petitioner was not happy about his transfer, the proper course for him was to first abide by the order and then make a representation about his grievance. Further it can be seen that the High Court has not passed any interim orders stating that the transfer was illegal and that it was done with mala fide. As already stated it is submitted that in view of the fact the Writ Petition No. 7445 of 1984 relating to the petitioner's transfer was dismissed by the High Court it is not open to the petitioner to agitate the question relating to the validity of transfer as that much be treated as conclusive and the question remains that when the employee refuses to obey the order of transfer and remains absent for

three years, whether the management is justified in exercising the powers under Bipartite Settlement and accordingly treating this absence as voluntary retirement. The said Settlement dated 17th September, 1984 [under Section 2(p) and 18(1) of the Industrial Disputes Act read with Rule 58 of the I.D. (Central) Rules, 1957] is binding both on the management and the petitioner and respondents action taken in this regard is legally valid and binding on the petitioner. In view of what has been stated above, it is submitted that the reference must be rejected both on the ground of jurisdiction and on merits and the Hon'ble Tribunal may be pleased to pass the award accordingly.

4. WW.1 was examined on behalf of the Petitioner and marked Exs. W-1 to W-3. On the other side MW-1 to MW-5 were examined on behalf of the Respondent-Bank and marked Exs. M-1 to M-23.

5. The point for adjudication is whether the action of the Management of State Bank of India in treating the absence of M.V. Naidu, Asst. Head Cashier as voluntary vacation of employment with effect from 23-7-1985 is justified ?

6. W.W1 is the Petitioner-workman himself was examined. He deposed in brief as follows : Previously he worked as Asst. Head Cashier at State Bank of Hyderabad Ramachandrapuram Branch. Till the date of termination of my services he had completed a total service of 19 years in all capacities. It is not correct to say that he failed to report to duties since 2nd August, 1982 because even as on 3-8-1982 he was working at Ramachandrapuram Branch as Asst. Head Cashier. The basis for the Bank to say that he should work at Ichapuram Branch is an order dt. 3rd August, 1982 and the said order is marked as Ex. W. The final notice dt. 5-6-85 referred to in the advertisement was received by his wife Manikyamba on 24-6-1985. There is no other order given to him directing to him to work at Ichapuram Branch other than the order Ex. W2. The order dt. 3-8-1982 is not a legal order and has defects besides the bank would have been well within its rights had it transferred by him as deputy head cashier, instead of as Asst. Head Cashier. The Bank has every right to transfer an employee on administrative grounds in normal course. But here in his case the Bank had obtained any irrevocable letters of option agreeing to continue him at Ramachandrapuram branch till his chance for promotion at that branch arises and accordingly they have promoted several of his juniors, till 1982. So by this order Ex. W2 the Bank violated its own declared policy and deprived him the benefit of an earlier promotion. The Bank can transfer him for any valid administrative reasons but the transfer has to be as Dy. Head Cashier with effect from that day he is eligible to be promoted as Dy. Head Cashier had he given a wider option letter. Atleast the Bank should have transferred him by giving the due promotion from the date of transfer from Ramachandrapuram to any place at their choice as Dy. Head Cashier for which he was entitled as per the declared policy of the Bank itself. It is not correct to say or to deem that he has no intention to join duty as alleged in their Press Notification Ex. W1. The fact is he is very much interested to continue in service and joined duty from 1982 and subsequently. That is the reason why he raised an industrial dispute before the Asst. Commissioner (Central), at Hyderabad and preferred a Writ Petition before the Hon'ble High Court in W.P. No. 7445 of 1984 when the Govern-

ment of India failed in referring the matter to Industrial Tribunal. The letter dt. 4-5-1982 addressed by Branch Inspector to the Chief Inspector, Zonal Inspection Office, Bhubaneswar regarding his activities at Ramachandrapuram do not reflect the truth. The said letter is marked as Ex. M1. He had to state in detail on the two incidents that were quoted by the management of the State Bank of India in every forum wherever he raised the issue of illegality of their order whether it be before the Asst. Labour Commissioner (Central) or before the Hon'ble High Court of A.P. before this Hon'ble Industrial Tribunal. The Bank Management instead of taking it positively has awarded punishment with an ulterior motive even then he never made an appeal against those punishments with the intention of maintaining good industrial relations the Bank by trying to raise these incidents is only attempting at tarnishing his image as a responsible trade union leader for workmen. He prays this Hon'ble Tribunal to declare that the order of management dt. 3-8-1982 and subsequent order he may be reinstated with back wages and other attendant benefits with effect from 3-8-1982.

7. M.W1 is Sri Hari Satyanarayana Sarma. He deposed that he has been working as Chief Manager State Bank of India, Ramachandrapuram Branch from November, 1991 till this day. There was a branch inspection by the Central Office in March 1982. He knows the petitioner case from the records. On 3-8-1982 the petitioner was served with the order of transfer and relieved from his duties on the same day. Transfer orders were issued on the basis of administrative grounds. Ex. M2 is the xerox copy of the directions of the Central Office to act on the special report of Auditor. Ex. M3 is the xerox copy of the letter dt. 23-8-1982 complying the directions of Central Office in Ex. M2. As per the Ex. M3 along with the petitioner, Branch Manager, Manager Agriculture Banking Division and Field Officers of Agriculture Banking Division were transferred from Ramachandrapuram Branch. As seen from the records, after the transfer of the petitioner and some other officers, their relationship of the Bank with the public is in a better way.

8. M. W2 is one B. Rama Murthy. He deposed that he worked as Branch Manager, State Bank of India, Ichapuram Branch from 1982 to 1984 (May, 1982 to July, 1984). As per Ex. W2, Mr. Naidu did not report for duty at Ichapuram Branch, who is posted as Assistant Head Cashier. On 25-1-1983 he has addressed a letter to the petitioner to report for duty at the Branch immediately. Exs. M4 and M5 are the office copy of the said letters addressed to two different places. Exs. M6 & M7 are the postal acknowledgements in which the petitioner had acknowledged Exs. M4 and M5. Ex. M8 is the office copy of the letter dt. 21-2-1983 addressed to the Regional Manager, Visakhapatnam who is the Controlling authority. Exs. M9 and M10 are the office copies of the letters dt. 25-2-1983 addressed to the Petitioner at two different places. Exs. M11 and M12 are the postal acknowledgement cards. Exs. M13 is the office copy of the letter dt. 12-3-1983 addressed to the petitioner. Ex. M14 is the office copy of the letter dt. 12-3-1983 addressed to the petitioner. Ex. M15 is the office copy of the letter dt. 8-4-1983 addressed

to the petitioner. Ex. M16 is the office copy of the letter dt. 16-4-1983 addressed to the Regional Manager who is the Controlling Authority. Ex. M17 is the office copy of the letter dt. 22-5-1984 addressed to the Petitioner. As having received the above documents covered under Exs. M4 to M7, the workman did not report for duty. Ex. M18 is the original letter dt. 26-10-1982 received by me at Ichapuram from the Branch Manager, Ramachandrapuram Branch about the leave particulars of the Petitioner-workman.

9. M.W3 is one Sri K. Mameshwara Rao. He deposed that he is working as Branch Manager since August, 1990 as on today at Ichapuram Branch. Now he is under orders of transfer. Ex. M19 is the office copy of letter dt. 23-11-1984 addressed to the Petitioner. Ex. M20 is the acknowledgement to Ex. M19.

10. M.W4 is one A.R. Prabhakara Rao. He was working as Regional Manager, Visakhapatnam from January, 1981 to April, 1983. There was Branch inspection by the Central Office during April, 1982. They received a communication from the Central office along with special report of the Branch Inspector. As per the directions of the Central Office, they have transferred six officers along with Sri N.V. Naidu, petitioner in this case, on administrative grounds. He has given reply to the Central Office after taking corrective measure and it is marked as Ex. M3. The contents of Ex. M1 are correct. In addition to this they have complaints from the public. The staff relations were cordial after transfer of officers and Sri N. V. Naidu, in this case. According to the Central Office instructions, Branch Inspector has to comment on staff relations and customers service pertaining to the Branch. The claimant in this case did not report for duty in furtherance of orders of transfer.

11. M. W5 is one Sri V.S.G. Krishna Murthy. He deposed that he was working as Regional Manager Region-II Vishakhapatnam Zonal Office from May 1984 to June, 1988. Ichapuram Branch Srikakulam District is within his jurisdiction. They have issued number of notices before him and after his coming to report for duty to Sri N.V. Naidu. But inspite of that, the workman did not report for duty. Thereafter under Ex. M21 xerox copy of a final notice was issued to the workman directing him to report for duty within a period of 30 days. Having received Ex. M21 the workman neither reported for duty nor gave any reply. Ex. M22 is the original order to which a letter was addressed by the Ministry of Labour and Rehabilitation, New Delhi dt. 2-2-1984 wherein it was stated that the action of the management does not appear to be malafidely or unjustifiable as transfer is one of the conditions of service in Banking Industry. In furtherance of final notice, as the workman did not report for duty nor he has given reply and he has taken a decision to publish the notice in the newspaper treating his services as voluntary vacation of service, as published in Ex.W1.

12. The contention of the Petitioner-workman is that the transfer order dt. 3-8-1982 of the State Bank of India is bad in law and not enforceable, that

the non-obedience of the transfer order on his part is justified, that the non-obedience of transfer order and consequent absence from duty at Ichapuram cannot be a ground to treat as voluntary vacation that he was not bound to join duty at Ichapuram in pursuance of the unlawful transfer order and hence that the decision of the Bank to treat his absence from duty as voluntary vacation is bad in law and direct the Bank to put him back into service.

13. The contention of the Respondent-Bank is that Mr. N. V. Naidu has been issued with the transfer order from Ramachandrapuram Branch to Ichapuram Branch and this transfer was done purely on administrative ground. The Petitioner was supposed to report at Ichapuram Branch on 10-8-1982 but did not report at that Branch. Despite repeated instructions the petitioner was only sending telegrams to Ichapuram Branch for some time without confirming them by leave letters requesting the Branch Manager for leave/extension of leave. The Branch Manager of Ichapuram was writing letters instructing the petitioner to join the duty immediately. When all efforts were proved futile, the Respondent issued a 30 days notice to the Petitioner by registered post on 5-6-1985 advising him to report for duty forth with failing which his absence would be deemed as voluntary retirement. There was no reply or response to their 30 days notice, the Respondent made a paper notification and accordingly the petitioner was deemed to have voluntarily retired from the Bank's service w.e.f. 23-7-1985 after expiry of 30 days notice period in terms of Memorandum of Settlement dt. 17th September, 1984.

14. At the very outset, I would like to mention that as per the records and the arguments of the learned representatives that the Petitioner workman admitted that he received all the letters with regard to the directions given to him by the Management to report for duty at Ichapuram Branch, the petitioner kept silent and did not ask for time. Even for final notice of voluntary vacation, the petitioner kept silent. The arguments of the learned representative for the Respondent-Bank is that if any workman voluntary vacates office after expiry of 90 days leave without sanction, or when once if any workman who is not having leave to his credit, if he goes on leave without sanction of the same by the proper authority, it amounts to nothing but voluntary vacation unless extraordinary leave or unauthorised absence of the workman in question and 90 days is sanctioned by the competent authority. A reading of XVI Voluntary Cessation of Employment by the employees. In supersession of Clause 2 of the Settlement dated 8th September, 1983 the following shall apply :

"Where an employee has not submitted any application for leave and absents himself from work for a period of 90 or more consecutive days without or beyond any leave to his credit or absents himself for 90 or more consecutive days beyond the period of leave originally sanctioned or subsequently extended or where there is satisfactory evidence that he has taken up employment in India or the Management is satisfied that that he has no present intention of joining duties, the management may at any time

thereafter give a notice to the employees' last known address calling upon the employee to report for duty within 30 days of the notice, stating inter alia, the grounds for the management coming to the conclusion that the employee has no intention of joining duties and furnishing necessary evidence, where available, unless the employee reports for duty within 30 days or unless he gives an explanation for his absence satisfying the Management that he has not taking up another employment or avocation and that he has no intention of not joining duties, the employee will be deemed to have voluntarily retired from Banks service on the expiry of the said notice."

The Petitioner-workman in question abstained from duty without any valid sanctioned orders from the competent authority after 90 days. The Management will issue notice calling for his explanation. In case if the explanation given by the workman in question is satisfactory and if the Management pass orders to that effect in such a case the ingredients of voluntary vacation beyond 90 days unauthorised absence are not attracted. Nextly in this particular case the Petitioner-workman was transferred from Ramachandrapuram Branch to Ichapuram Branch. As per the Management Bye-laws the Transfer is part and parcel of the service and nobody can question the transfer order of a particular workman when once the transfer order is affected on administrative ground and in public interest. In the case of this workman namely Sri N. V. Naidu the transfer orders were affected on administrative grounds which was accepted by the petitioner-workman himself. Moreover there is evidence before this Tribunal that after transfer of the workman in question from Ramachandrapuram Branch to Ichapuram Branch, the public relations with the Bank in question at Ramachandrapuram Branch were improved and therefore in public interest the transfer of the workman Sri N. V. Naidu from Ramachandrapuram Branch to Ichapuram Branch is justifiable. It is not the case of the Petitioner-Workman that he did not receive the final notice and in fact in his evidence he admitted the final notice sent to his treating that unless he joins within 30 days after expiry of 90 days unauthorised leave, it is deemed that he voluntarily vacated the post of Asst. Head Cashier. Even then he did not give any reply to the Management and he did not join the duty at his new station Ichapuram Branch. The Management took all precautions and gave him more than the required opportunity to join duty, they issued notice directing the Petitioner-workman to join duty in the first instance. When he failed to do so they again gave notice to the Petitioner workman directing him to join duty. Thereafter the paper publication was announced, even then the Petitioner workman did not join duty. Thereafter as an extra ordinary precautionary method the Management issued notice to the Petitioner-workman directing him to report for duty within 30 days from the date of receipt of the vacation notice otherwise it will be deemed that the Petitioner-workman himself voluntarily vacated the post of Assistant Head Cashier. The Petitioner workman kept silent and as such the Petitioner workman is not having any point in his favour. After the transfer orders are issued and when once transfer were issued to the workman and when once the Petitioner workman relieved in his old station at Ramachandrapuram with a direction to join new Station at Ichapuram after availing joining time in the natural course he should have joined duty at Ichapuram after availing joining time or in the alternative the Petitioner-Workman should have applied for leave to which he is eligible either for Earned Leave or extra ordinary leave, but the Petitioner-workman did not care to join or even did not care to apply for leave and there is no response from the Petitioner-workman. Thereafter the Management did not keep quiet and in fact they have issued a notice to the Petitioner-workman to report for duty within 30 days, the petitioner-workman instead of complying with the orders of the Respondent Bank referred the matter for conciliation

Commissioner of Labour gave a finding that the conciliation proceedings have failed and wrote a report to that effect then the Petitioner workman referred the matter to the Government of India for raising a dispute and referred the matter to this Tribunal but the Government of India gave sufficient reasons and stated that it is not a fit case of the workman can be referred for adjudication on the ground of transfer as the transfer is one among the service condition of the Company and stated that it is not a fit case of the workman can be re-Bank when once the transfer is affected on administrative ground and on public interest. In the instant case the transfer was affected on the administrative ground and public interest as such the question of victimisation of the Petitioner-workman by the Management does not arise. Thereafter the Petitioner-workman instead of honouring the direction of the Management, filed a Writ Petition in the High Court of Andhra Pradesh and the High Court of A.P. did not give any relief to suspend the order of the transfer order of the Respondent-Bank and the High Court dismissed the Writ Petition. I perusal of the documents indicate that on the date of transfer of the Petitioner-workman in question by the Respondent-Bank, the Petitioner-workman was not the General Secretary of the Union and by the date of the Petitioner-Workman elected as General Secretary of the Union, that Union was not a recognised Union. When once the Petitioner workman was not a Member of the Union on the date of his transfer and by the date of himself elected as General Secretary of the Union, the same was not communicated to the Respondent-Bank. The Respondent-Bank was right in saying that the transfer orders were effected on administrative ground and on public interest. I totally agree with the contention of the Respondent-Bank Representative on the above contention, and was right in issuing transfer order to the petitioner-Workman. The Respondent-Bank has cited a number of decisions in support of their case. (1) INDIA OXYGEN EMPLOYEES' UNION v. STATE OF TAMILNADU AND OTHERS (1992 (1) 111 page 583). (2) BALMER LAWRIE WORKERS UNION v. ANOTHER v. BALMER LAWRIE & CO. LTD. (1985(1)LLJ. page 314(S.C.)), (3) T. VENKATESWARALU v. STATE BANK OF INDIA (1990(1) LLJ. page 533(A.P.)) (4) M/s TATA ENGINEERING AND LOCOMOTIVE CO. LTD. v. THEIR WORKMEN (AIR 1981 Supreme Court 2163).

The issue was referred to this Tribunal to give a finding as to whether the action of the Management of State Bank of India in treating the absence of Sri N. V. Naidu, Assistant Head Cashier as a voluntary vacation of employment with effect from 23-2-1985 is justified or not. All the above aspects are admitted by the Petitioner-workman himself. In view of the above facts and circumstances in any view of the matter the workman is not entitled to get any kind of relief and the Respondent-Management of State Bank of India in treating the absence of Mr. N. V. Naidu as voluntary vacation of employment w.e.f. 23-7-1985 is absolutely justified and the Petitioner-Workman is not entitled for any kind of relief.

Award passed accordingly.

Dictated to the Stenographer, transcribed by him, corrected by me and given under my hand and the seal of this Tribunal, this the 19th day of July, 1993.

Y. VENKATACHALAM,
Industrial Tribunal-I

Appendix of Evidence :

Witness Examined for

the Workman :

W.W1 Sri N. V. Naidu

Witnesses Examined for

the Management :

M.W1 Hari Satyanarayana Sarma

M.W2 P. Rama Murthy

M.W3 K. Kameshwara Rao

M.W4 A. R. Prabhakar Rao

M.W.5 V. B. G. Krishna Murthy

Documents marked for the Petitioner-Workman :

- Ex.W1 Xerox Copy of the News Paper clipping of Indian Express dt. 24-10-85.
- Ex.W2 Transfer issued by the Branch Manager Ramachandrapuram to Sri Nimmakayala Voera Raghavulu Naidu.
- Ex.W3 Xerox copy of POR No. 0963-2-41 with regard to Appointment of Head Clerk/Dy. Head Cashiers / Tellers.
- Ex.W4 Circular Lr. Per. No. 3616-2-30 Appointment of Head Clerk/Dy. Head Cashier/Tellers.
- Ex.W5 Written comments filed before the ALC (Central) Hyd. in connection with the I. D. No. 7-6-83-E2 raised by the SBI Staff Association, Hyderabad Circle.
- Ex.W6 Xerox copy of the letter addressed to RLC (Central) 25-7-86 by the President, SBI Staff Association, Hyd. consent Circle.
- Ex.W7 Written comments of the Management in Industrial Dispute before ALC (Central) Hyd. Ref. 7-12-86-E2, Dt. 9-10-86.
- Ex.W8 Minutes of Conciliation Proceedings held on 3-12-86 before ALC (Central) with Ref. to 7-12-86-E2, consent

Documents marked for the Management :

- Ex.M1 Xerox copy letter addressed by Branch Inspector to 4-5-82 Chief Inspector, SBI Zonal Inspector, Office Bubaneswar.
- Ex.M2 Xerox copy of the letter from SBI Inspector & 3-6-82 Audit Department to the Chief General Manager, SBI, Hyderabad.
- Ex.M3 Ramachandrapuram Branch Inspector & Audit De- 23-8-82 partment Dt. 3-4-1982 Special Report (Xerox copy).
- Ex.M4 Letter addressed by the Branch Manager, Ichapuram 25-1-83 to N. V. Naidu sent to address Chappidiarisavaram.
- Ex.M5 Letter addressed by the Branch Manager, Ichapuram 25-1-83 to N.V. Naidu sent to address Ramachandrapuram.
- Ex.M6 Postal Acknowledgement Card to Ex. M4.
- Ex.M7 Postal Acknowledgement Card to Ex. M5.
- Ex.M-8 Letter addressed by the Branch Manager, Ichapuram 21-2-83—to the Regional Manager Reg. II SBI, Vi-akhapatnam.
- Ex.M9 Letter addressed by the Branch Manager, Ichapuram, 25-2-83 to Sri N. V. Naidu sent to Someswarapuram address.
- Ex.M10 Letter addressed by the Branch Manager, Ichapuram, 25-2-83 to N.V. Naidu sent to Chappidiarisavaram address.
- Ex.M11 Postal Acknowledgement to Ex. M9.
- Ex.M12 Postal Acknowledgement to Ex. M-10.
- Ex.M13 Letter addressed by the Branch Manager to Sri N.V. 12-3-83 Naidu, Asstt. Head Cashier.
- Ex.M14 Letter addressed by the Branch Manager to Sri N.V. 12-3-83 Naidu, Asst. Head Cashier.
- Ex.M15 Misc. 19-39, Staff Circular & Cash Departments. 8-4-83
- Ex.16 Staff con. 48. Staff Clerical & Cash Departments Sri 16-4-83 N. V. Naidu, Asst. Cashier.
- Ex.M17 Letter addressed by the Branch Manager to Sri N.V. 22-5-84 Naidu.
- Ex.M18 No. 25. Staff Clerical & Cash Department to Sri 26-10-82 Naidu, Asstt. Head Cashier.
- Ex.M19 F. 25 Staff Clerical & Cash Departments Sri N.V. 23-11-84 Naidu, Asstt. Head Cashier unauthorised absence.
- Ex.M20 Postal Acknowledgement to Ex. M-19.
- Ex.M21 Xerox copy of the Lr. of Regional Manager ad- 5-6-85 dressed to Sri N. V. Naidu.
- Ex. M22 No. I-12012/294/83-D.II-A of Govt. of India, Mi- 22-2-84 nistry of Labour & Rehabilitation, Labour Department, New Delhi.

1742 GI/93--5

Ex.M23 Memorandum of settlement entered between the 17-9-84 Indian Bank's Association represented by Indian National Bank Employees Congress.

Sd/- (illegible)

Industrial Tribunal.

नई दिल्ली, 4 अगस्त, 1993

का. आ. 1794.—आयोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डिपार्टमेंटल ग्राफ पोस्ट, गुलबर्गा जिला के प्रबन्धसंक के संघर्ष नियोजकों आर उनके कर्म-कारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, बेगलूर के पंचाट को प्रशस्तित करती है, जो केन्द्रीय सरकार को 3/8/93 को प्राप्त हुआ था।

[एल-40012/65/89-आई. धार. (डी. यू.) (भाग)]
के. वी. बी. उन्नय, डेस्क अधिकारी

New Delhi, the 4th August, 1993

S.O. 1794.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Bangalore as shown in the Annexure. in the industrial dispute between the employers in relation to the management of Deptt. of Posts, Gulbarga Distt. and their workmen, which was received by the Central Government on 3-8-1993.

[No. L-40012/65/89-IR(DU)(Pt.)]

K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BANGALORE

Dated this 30th July, 1993

PRESENT :

Sri M H. Vishwanath, B.Sc., B.L.,—Presiding Officer.

Central Reference No. 4/90

I Party :

Sri Basappa Hirekurubar
c/o Veereswara Oil Merchant,
Narayanapur Camp (U.K.P.)
POCG, Shilvants,
Tq. : Shorapur.
Gulbarga Distt. 585 219.

V/s.

II Party :

1. The Senior Supdt. of post offices, Gulbarga Division, Gulbarga-585 219.

The Sub-Post Master,
Narayanapura-585 219
Tq. : Shorapur.
Distt. Gulbarga.

AWARD

In this reference made by the Hon'ble Central Government by its Order No. L-40012/65/89-IR

(DU) dated 15th January, 1990 under Section 10-(2A)(1)(d) of I.D. Act, the point for consideration as per schedule to reference is :

"Whether the action of the Sub-Postmaster, Narayanapur Post Office, Shorapur Taluk, Gulbarga District in terminating the services of Shri Basappa Hirekurubar, Part-time sweeper from 6-5-86 to 24-5-88 is justified? If not to what relief the workman is entitled to?"

2. In the claim statement it is stated :—

The I party was appointed as a sweeper in the II party on 6-5-86. The I party has stated that he has worked continuously for more than 240 days in a year. He has stated that he was illegally refused employment w.e.f. 24-5-88, though he reported for duty on that day. The II party has not issued any notice of termination. The act of II party in refusing to give work to I party is illegal. The act of II party is motivated because the I party refused to work in the house of the Sub-Postmaster Balachi. The Sub-Postmaster also wanted the wife of I party to work in his house. The I party has prayed for reinstatement with back-wages.

3. In the counter statement it is contended that the I party was appointed only as a part-time contingent sweeper-cum-watchman and his services were unsatisfactory and so the II party rightly terminated his services. It is also stated that the matter raised by the I party is a service matter and this Tribunal has no jurisdiction. It is also stated that the Department of Posts is not an Industry and this Tribunal has no jurisdiction.

4. On the basis of the pleadings as many as 7 issues have been framed. It is not necessary to set out the issues.

5. On 23-9-92 a memo has been filed by the II party that the I party is since deceased. Thereupon time was granted to take steps. The case was posted to 21-10-92. Many adjournments have been granted till today (30-7-93). So far steps have not been taken to bring the legal representatives of deceased on record. Under these circumstances the reference abates. Award passed accordingly. Submit to Government.

(Dictated to Stenographer, typed by him, corrected, signed by me on this 30th day of July, 1993).

M. B. VISHWANATH, Presiding Officer

नई दिल्ली, 4 अगस्त, 1993

का. प्र. 1795.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार रेलवे के प्रबन्धन के संवद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक प्राधिकरण, बंगलोर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-8-93 को प्राप्त हुआ था।

[सं. एल-41011/27/88-ई-II (बी) (भाग)]

के. बी. बी. उन्नी, डेस्क अधिकारी

New Delhi, the 4th August, 1993

S.O. 1795.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Bangalore as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Railways and their workmen, which was received by the Central Government on 3-8-93.

[No. L-41011/27/88-O.II(B) (Pt.)]

K.V.B. UNNY, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT BANGALORE

Dated this 30th day of July 1993

PRESENT :

Shri M. B. Vishwanath, B.Sc., B.L., Presiding Officer.

Central Reference No. 71/89

I Party

The Gen. Secretary, All India Railway Catering Services Workers' Union, No. 9, Lingiahpalayam, Bangalore-08.

Vs.

II Party

1. The General Manager, Southern Railways, Madras.
2. The General Manager, South Central Railways, Secundrabad.
3. The General Manager, Central Railways, Bombay V.T.

AWARD

In this reference made by the Hon'ble Central Government by its Order No. L-41011/27/88-D.II (B), Dt. 5-10-86 under Sec. 10(2A)(1)(d) of I.D. Act, the point for adjudication as per Schedule to reference is :

"Whether the persons absorbed in permanent service of catering department of Southern Railways, South Central Railways and Central Railways are workmen of those establishments under the I.D. Act? If so, whether the following demands raised by the All India Railway Catering Service Workers' Union Bangalore against the management of Southern Railways, South Central Railways and Central Railway are justified? If yes, to what relief the workmen concerned are entitled?"

1. Counting of the past service of commission bearers/vendors absorbed since the year 1978;

2. Grant of productivity linked bonus to commission bearers/vendors;
3. Fixation of working hours;
4. Grant of holidays and weekly offs;
5. Upgradation of bearers.

2. In the claim statement it is contended :—

The Indian Railways Employ over 5000 bearers and commission bearers/vendors to cater the commuters in the static Railways Stations and short and long running trains through pantry cars attached to the trains. In the initial stage and even now the II parties received men as commission bearers/vendors to cater the railway passengers. The commission bearers/vendors are recruited on a contract between the railways and individual worker with a security deposit of Rs. 250. The Commission bearers/vendors are supplied with edibles and other items from the static units for sale in the platforms and in the trains from the pantry cars and given a commission of 12½% on food and other edible items and 5% commission on cigarettes, chocolates and other bakery items. These commission bearers/vendors are allotted with duties. Attendance are taken from them and for any clarification of duties or any complaints from the passengers, they are punished without giving a chance to these commission bearers/vendors to plead their case. These commission bearers/vendors are asked to do night duties/shift duties to cater the passengers. The employer employee relationship between the II party is very much there but denied all facilities provided to the permanent bearers despite doing similar work shoulder to shoulder with the permanent bearers. Only permanent bearers are provided with salaries and other benefits like other permanent railway employees.

3. In the counter statement filed by the members of II party (Railways) it is stated :—

The commission vendors are not entitled to get all the benefits like permanent railway employees. The commission vendors are engaged bearing in mind the requirements of sales assessed at each catering unit. The commission vendors are engaged merely on commission basis through agreement. The railways can terminate the agreement without notice, if the work of commission vendors is unsatisfactory. The commission vendors are not treated as railway servants for any purpose. They are not entitled to any privileges and compensation given to railway employees. It is not true that the commission vendors perform identical duties as permanent servants of the Railways.

4. On behalf of the I party workmen 8 witnesses have been examined. On behalf of the management M.W.1 Shivasubramanyam, Asst. Commercial Manager, Catering, Madras has been examined.

5. W.w.1 Kapoorchand Singhal has stated that he is a commission vendor in the railways. He has stated in cross-examination that he was engaged as a commission vendor on commission basis. W.w. 2 Bheemraj was formerly a commission bearer and he was made permanent subsequently in 1984. M.w.3 Anand is a commission vendor. He has stated that

he was working on commission basis and his services were regularised in 1979 and subsequent to his absorption he gets all the facilities of a permanent employee. W.w.4 K. Balan was working as a commission bearer and his services were made permanent in 1982. He has stated that after his services were made permanent in 1981 he is getting salary and other benefits of permanent railway employee. The grouse of W.w. 4 is that his past services have not been considered. W.w.5 Dhanpal is a commission bearer whose services have not been made permanent. He has stated in cross-examination that he has been working in the railways on commission basis. He sells edibles and gets commission. He has stated that he does not know whether he has executed any agreement. W.w.6 Nagendra Kumar has stated that he was a commission vendor and now he has become a salary paid vendor. He has stated that he has not been made permanent and so he does not get any promotion or bonus or increment, though he works as much as a permanent employee. In cross-examination he has denied the suggestion that he has executed a agreement. W.w.7 Kutty has stated that he was working as a commission vendor and his services were made permanent in 1979. He has stated that after he was made permanent, his past service has not been counted.

6. W.w.8 T.I. Madhavan, Gen. Secretary of I party union has stated that all over India there are about 5000 commission bearers and there are three categories of workers (bearers). They are permanent bearers, salary paid bearers, and commission bearers. He has stated that a permanent bearer gets all the benefits which permanent employee of the railways gets. He has stated that salary paid bearers get only the salary of a permanent bearer. Commission bearers gets 12½% on the sale proceeds. He has stated that initially all of them were commission bearers, subsequently, after agitation about 2,700 employees all over India were made permanent. The remaining commission bearers who are not permanent bearers went to Hon'ble Supreme Court and the Hon'ble Supreme Court was pleased to hold that they should be paid the salary of the permanent bearer. This order was passed by the Supreme Court in W.P. 191/86 (Ex. W.3 certified copy). W.w.8 has clearly stated that the Hon'ble Supreme Court has not been pleased to touch the other points.

7. M.w. 1 Shivasubramanyam, Asst. Commercial Manager, Catering, Madras has stated that he has been working as Asst. Commercial Manager, Catering, Southern Railways, Madras and he knows the facts of this case. He has stated that the commission vendors have been engaged on contract basis to sell the readymade items to passengers in the platforms and in the running mobile catering units. He has clearly stated that they will be paid commission on the percentage prescribed by the administration. He has stated that commission vendors executed agreements before they took up the job. He has stated that the terms and conditions in the agreement are binding. He has stated that the commission vendors are not entitled to the benefits of the permanent railway employees.

8. In cross-examination M.W.1 Shivasubramanyam has stated that some commission vendors were made permanent employees of the railways. From the evidence of the trade union leader W.w.8, it is obvious that some commission vendors are made permanent employees of the railways after the agitation spoken to by W.w.8. M.w.1 has stated that these commission vendors, who were made permanent receive all the benefits which the permanent employees of Railways gets. In view of the say of M.w.1 that the commission vendors whose services were made permanent receive all the benefits which permanent employees of the railways receive, I have no hesitation in holding that the persons absorbed in permanent service of catering department of Southern Railways South Central Railways and Central Railways are workmen of those establishments under the I.D. Act. This is my finding, in favour of the I party, on the first part of the schedule to reference.

9. I now take up the second part which relates to the demands raised by the All India Railway Catering Services Workers Union, Bangalore against the management of Southern Railways, South Central Railways and Central Railways. The demands raised are :—

1. Counting of the past service of commission bearers/vendors absorbed since the year 1978;
2. Grant of productivity linked bonus to commission bearers/vendors;
3. Fixation of working hours;
4. Grant of holidays and weekly offs,
5. Upgradation of bearers.

9. M.W.1 Shivasubramanyam has stated that the commission vendors work on percentage prescribed by the Administration and they executed agreement before taking up the job. He has stated that the terms and conditions in the agreement are binding. He has stated that commission vendors are not entitled to the benefits like permanent railway employees. It is not even suggested in cross-examination that these commission bearers/vendors have not executed any agreement. I am of opinion that the commission bearers/vendors have executed agreements. At the time of arguments the Learned counsel for the railways produced an agreement Ex. M.1 executed by some commission vendor. This did not contain the signature of the Officer of the Railways who signed the agreement on behalf of the President of India. Subsequently he has produced another agreement executed by a commission vendor Ravikumar which is attested and has been signed by the competent officer of Railways on behalf of the President of India. Looking at these agreements and bearing in mind that it has not been suggested to M.W.1 that the commission bearers/vendors have not executed agreements, I have no difficulty in looking into the specimen agreements. A look at the agreement leads me to the inference that it has the stamp of truth. Clause 16 of this agreement's says :—

“The commission vendor, under the terms of this agreement, shall not be treated as a Railway servant for any purpose and shall

not be entitled to claim any privileges and or compensation that are admissible to the Railway servants”.

When Clause 16 of the agreement executed by the commission bearers/vendors, whose services have not been regularised, clearly says that they shall not be treated as Railway servants for any purpose and shall not be entitled to claim any privileges and/or compensation that are admissible to Railway servants, if this Tribunal were to hold that they are entitled to grant of productivity linked bonus (item No. 2 of the demands), fixation of working hours (item No. 3 of the demands), grant of holidays and weekly offs (item No. 4 of the demands) and upgradation (item No. 5 of demands), this Tribunal will be writing something extra into the agreement entered into between railways and commission bearers/vendors. In other words, this Tribunal will be framing rules regarding the service conditions of commission bearers/vendors. In my opinion the Tribunal is not competent to do that.

10. Now I take up item No. 1 of the demands viz., counting of the past service of the commission bearers/vendors absorbed since the year 1978. It is obvious that these commission bearers/vendors since the year 1978 were working as commission vendors on contract basis. They were not even temporary railway servants. Since they were working under a contract on commission basis, I am of opinion, they are not entitled for counting of their past services. This covers my finding on item No. 1 of the demands.

11. All other documents and evidence not referred to by me are not relevant. In any case they do not alter my conclusions reached above.

12. For the aforesaid reasons I pass the following.

ORDER

It is hereby declared that the persons absorbed in permanent service of catering department of Southern Railways, South Central Railways, and Central Railways are workmen of the establishments under the I.D. Act. Reference accepted in part as stated herein. Reference rejected regarding other points covered in the schedule to reference. Award passed accordingly. Submit to Government.

(Dictated to Stenographer, typed by him, corrected, signed by me on this 30th day of July 1993).

M. B. VISHWANATH, Presiding Officer.

नई दिल्ली, 6 अगस्त, 1993

क्र० अ० 1796 — औद्योगिक विवाद अधिनियम, 1947 (11/47 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, कारपोरेशन बैंक के प्रबंधन के संबंध नियोजकों और उनके कर्मचारियों के बीच, अमुको 1 में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं० 1, मुम्बई के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-9-93 को प्राप्त हुआ था ।

[संख्या एन-12012/193/91 - धार्द धार बी-2]

बी. के. वेणुगोपालन, डैस्क सचिव त्रि

New Delhi, the 6th Augst, 1993

S.O. 1796.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal No.1, Bombay as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Corporation Bank and their workmen, which was received by the Central Government on 5-8-1993.

[No. L-12012/193/91-IRBII]

V. K. VENUGOPALAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1 AT BOMBAY

PRESENT :

Justice Shri R.G. Sindhakar, Presiding Officer
Reference No. CGIT-1/87 of 1991

PARTIES :

The Employers in relation to the Managament of Corporation Bank

AND

Their Workmen

APPEARANCES :

For the Employer—Shri M.V. Nair, Regional Manager.

For the workmen—Shri M.K. Bhat, General Secretary, Corporation Bank Employees' Union.

Industry : Banking

State : Maharashtra

AWARD

Bombay, dated the 19th day of July, 1993

The Government of India, Ministry of Labour has made the following reference to this Tribunal under section 10(1)(d) of the Industrial Disputes Act, 1947.

“Whether the action of the managament of Corporation Bank in dismissing Shri G.S. Mahapada, Sub-Staff from the service of the Bank is justified ? If not, to what relief is the workman entitled ?”

Statement of claim has been filed, and the management filed its written statement.

After a domestic enquiry, the workman Shri Mahapada came to be dismissed from the services of the Bank. Aggrieved by this order, he approached the Conciliation Officer, and since no settlement could be arrived at, the matter came to be referred to this Tribunal.

A joint memo has now been filed by the parties. It is stated therein that on an agreement arrived at, between the parties, the workman has been taken back on service and given a fresh appointment after re-considering the punishment aspect, and he has now been posted at Bombay Mandvi Branch of the Bank.

In view of this, the dispute raised by the workman does not survive. Award accordingly.

R. C. SINDHAKAR, Presiding Officer.

नई दिल्ली, 6 अगस्त, 1993

का. भा. 1797.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, सिन्डिकेट बैंक के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण न. 1, मुम्बई के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-8-93 को प्राप्त हुआ था :

[संख्या एल-12011/133/87-डी-2 (ए)]

जी. के. वेणुगोपालन, डेस्क अधिकारी

New Delhi, the 6th August, 1993

S.O. 1797.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal No. 1, Bombay as shown in the Annexure in the Industrial Dispute between the employers in relation to the managament of Syndicate Bank and their workmen, which was received by the Central Government on 5-8-1993.

[No. L-12011/133/87-D2A]

V. K. VENUGOPALAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1 AT BOMBAY

PRESENT :

Shri Justice R.G. Sindhakar, Presiding Officer.
Reference No. CGIT-1/12 of 1989

PARTIES :

Employers in relation to the Managament of Syndicate Bank.

AND

Their Workmen

APPEARANCES :

For the Managament—No appearance.

For the Workmen—Shri Prabhu, Vice-President.

Industry : Banking

State : Maharashtra

AWARD

Bombay, dated the 15th day of July, 1993

This is a reference made to this Tribunal by the Government of India, Ministry of Labour, by order dated 15-02-1989, it is to the following effect.

“Whether the action of the managament of Syndicate Bank of preparing the seniority list in violation of clause No. 5 of settle-

ment under section 2(P) and section 18(1) of the Industrial Disputes Act, 1947 entered between the Bank and the Syndicate Bank Employees' Union on 17-12-1985 is justified? If not, to what relief are the senior employees in the region as listed by the Association as per the provisions of 24-12-1971 minutes are entitled?"

2. Statement of claim has been filed by the Syndicate Bank Staff Association, which is a Union affiliated to the Indian Trade Union Act, 1926. It has been mentioned therein, that, the seniority list circulated of the employees of Bombay Zone, for the purpose of entrustment of Special Assistant's duty, included the names of those employees who got transferred to Bombay on request, by superseding the eligible senior employees of the Zone and in contravention of clause V of Memorandum of Settlement dated 17-12-1985.

3. On behalf of the Management, written statement has been filed contending the claim of the Union.

4. However, on behalf of the Union its Vice President, Mr. N.A. Prabhu filed a statement stating that the contentions raised by the Union and which has given rise to the present reference has been negatively answered by the Tribunal by its order dated 11-06-1985, and the Union challenged the same in the Hon'ble High Court by filing writ petition No. 4538 of 1985, and the Hon'ble High Court of Bombay, up-held the award passed by the Tribunal. He requested for disposal of the reference in view of the judgement of the High Court. In view of the statement and in view of the request, the reference is disposed off and the award accordingly.

R. G. SINDHAKAR, Presiding Officer.

नई दिल्ली, 6 अगस्त, 1993

का. या. 1798.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, केनरा बैंक के प्रबन्धन के संबंध में नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निहित औद्योगिक विवाद में लेबर कोर्ट रांची के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-8-93 को प्राप्त हुआ था।

[संख्या एल-12012/707/86-डी-2 ए]

बी. के. वेणुगोपालन, डेस्क अधिकारी

New Delhi, the 6th August, 1993

S.O. 1798.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Labour Court Kochi as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Canara Bank and their workmen, which was received by the Central Government on 4-8-93.

[No. L-12012/707/86-D2A]

V. K. VENUGOPALAN, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT LABOUR COURT, ERNAKULAM

(Labour Court, Ernakulam)

Thursday, the 8th day of July, 1993

PRESENT :

Shri. M. V. Viswanathan, B.Sc., LL.B.,
Presiding Officer

Industrial Dispute No. 10 of 1989 (C)

BETWEEN

The Senior Manager, Canara Bank, Ernakulam
South, Cochin-682016.

AND

Shri V. Mohandas, Venkatalayam, VII/122,
Cheranallur, Cochin-682034.

REPRESENTATIONS :

Shri, Raju Abraham, Advocate, 'Kalpaka', Ravi-
puram Road, Cochin-16 For Management

M/s. M. Ramachandran & P. V. Abraham, Ad-
vocates, Cochin-17. For Workman

AWARD

This industrial dispute was referred to this Court by the Central Government by virtue of the order No. L-12012/707/88-D II(A) dated 18-5-1989. The dispute is between the management of Canara Bank and their workman. The issue referred for consideration is "Whether the action of the management of Canara Bank in terminating the service of Sri V. Mohandas, Nithya Nidhi Agent, is justified? If not, to what relief is the workman entitled?"

2. The workman Sri. V. Mohandas filed claim statement stating as follows :

The Canara Bank was engaging Nithya Nidhi Agents, who were to act as per the full control of the bank as collection agents. They were workmen of the bank in all sense of the time. The bank was paying them commission on the collections. Sri. V. Mohandas joined the service on 8-4-1970. He had unblemished record of service. But he was implicated in a criminal case and suspended from service on 23-4-1976. The management did not conduct any enquiry. He was acquitted in the criminal case. During the period of suspension, he was not paid any subsistence allowance. But ultimately his claim was allowed and the payment of the allowance for a portion of the period has been made. On 26-11-1977 the management terminated his service. He moved the management bank to reconsider his case for employment. He is having no other employment. The management was not prepared to reinstate him. They did not pay him the subsistence allowance for the rest of the period. The management has denied him employment and his service was terminated without any justification. He was innocent on the charges. He was victimised by the management. The manager Lakshmi Narayana Pai was having ill-will towards him. The said manager engineered the said action. The authority under the

Subsistence Allowance Act reckoned his salary at Rs. 1,224.86. He prayed for his reinstatement with continuity of service and full backwages.

3. The management filed counter statement contending mainly as follows :

Sri. V. Mohandas was engaged as an agent as per the agreement dated 8-4-1970, to collect deposits from customers under the Nithya Nidhi Deposit Scheme. In March 1976 there was some complaint against him regarding misappropriation of amounts entrusted with him by Nithya Nidhi Deposit account holder. There was a criminal complaint and he was arrested by the police. Subsequently, his agency was suspended by letter dated 23-4-1976. He filed an application before the authority appointed under Section 6 of the Kerala Payment of Subsistence Allowance Act 1972. He contended that he was an employee of the Bank and suspension of his agency amounts to suspension from employment. The management disputed his case of employment. Agreement dated 8-4-1970 would show that the engagement was only a contract of agency. The authority allowed the claim for subsistence allowance and directed the bank to pay Rs. 6,336.12. The bank filed O.P. 4235/77 before the High Court challenging the said order dated 29-9-1977 of the said authority. While the said O.P. was pending the management terminated his service as a Nithya Nidhi Deposit Agent by the letter dated 28-11-1977. The Hon'ble High Court quashed the order by the judgment in O.P. 4235/88 dated 6-6-80. He then preferred writ appeal and in the said appeal the Hon'ble High Court allowed the subsistence allowance as it was negligible sum of Rs. 6,336.12. But the question whether he is entitled to subsistence allowance has not been decided but it was left open by the judgment of the single judge. He has also filed a claim petition as C.P. 27/88 for Rs. 13,841.14 as subsistence allowance for the period from 19-12-1976 to 28-11-1977 under Section 33C(2) of the I.D. Act. The payment of Rs. 6,336.12 does not vest any right in the claimant. The Hon'ble High Court had not gone into the question whether he is an employee or not. The Hon'ble High Court has not considered the said point on merits. The management has the right to terminate the agency at any time by virtue of Clause 13 of the agreement dated 8-4-1970. The agency was terminated on account of the fact that serious charge has been raised against him. It was also alleged that he issued unauthorised pass book to customers contrary to the express stipulations contained in the agency agreement. He also failed to deposit in the bank the amount collected by him as an agent. There is no contract of employment with Sri. V. Mohandas. He is not an employee of the bank. He was appointed as an agent on specific terms and conditions. The bank introduced 'Janapriya' and 'Nithya Nidhi' deposit schemes with a view to encourage thrift and saving and mobilising deposits. As per these schemes the account holders agreed to deposit a minimum account on a daily or weekly basis. The amount so agreed to be deposited would be collected by agents engaged by the bank who would go to the residence or place of business of depositors. Sri. V. Mohandas was one of the agents for making such collections. There is no relationship of master and servant or employer and employee between the bank

and Sri. Mohandas. He was giving a commission on his collections and it was not hire or reward within the meaning of the terms in Section 2(s) of the I.D. Act. He is not borne on the muster roll of the bank. The Nithya Nidhi Deposit Agents are not admitted to the Provident Fund Account of the bank, since they have never been treated as employees of the bank. They were not contributing to any provident fund. Sri. Mohandas was not obliged to do any work at all, notwithstanding his engagement as Nithya Nidhi Deposit Agent. He was not required to mark any attendance and he was not paid any wages or salary. He was not obliged to attend at any stipulated time of the day. He cannot be transferred from branch to branch. There was no prohibition against him to do any other work. The only restriction was against doing of similar agency work for other banks or financial institutions. The relationship between the bank and Sri. Mohandas is that of a Principal and Agent. He could have been in the employment of some other person from 10.30 a.m. to 5.30 p.m. He was at liberty to do his collection work in the evening. There are several agreements entered into between the bank and the several unions of the bank employees. The Nithya Nidhi Agents are not regulated by the said agreements entered into between the management and union. The Nithya Nidhi Agents have not been permitted to join any such unions. There was no educational or age qualifications prescribed for Nithya Nidhi Agents. There is no supervision or control in the actual doing of the work by Nithya Nidhi Agents. No appointment order was issued to the Nithya Nidhi Agents. The employees of the bank were given appointment orders. There are settlements entered into between the Indian Banks Association and All India Bank Employees' Association. The conditions of service stipulated in the said settlements are not applicable to Nithya Nidhi Agents. The regular employees are having the service benefits like housing loans, medical reimbursement, leave facilities, leave travel concessions and various other benefits. But Nithya Nidhi Agents are not entitled to get any of the said benefits. They are governed merely by contract of their agency. The Nithya Nidhi Agent could depute any persons of his choice for making collections on his own responsibility. The Nithya Nidhi Agent could choose his own time for making such collections. There were no restrictions of working hours placed on the activities of the Nithya Nidhi Agent. All the agents have a duty to account for making collections on his own responsibility. The payment of the same to principals. The Bank had no control at all above the manager in which the Nithya Nidhi agent goes about the discharge of his obligation to make collections. At the best Nithya Nidhi Agent can be an independent contractor employed to bring about the result of making collections and depositing the same in the Bank. There was no relationship of master and servant created or intended to be created by the agency agreement. The responsible officers of the bank scrutinised the statement of accounts regarding the collections only to ensure that there is a proper accounting of the amount received on behalf of the principal and facilities and to simplify the accounting procedure. Apart from entering the amount collected from each account holder in a printed form and apart from giving statements of such collections made in the prescribed form and depositing such amount in the Bank, the petitioner had no other obligation.

The Bank has not retained the right to control the manner in which the collection work is to be done by the Nithya Nidhi Agent. A right to terminate an agency is always a legal right inherent with the principal. The employees of the Canara Bank are governed by the Service Code. The said service code is still in force and governs the conditions of service of the employees of the Bank. Sri. V. Mohandas is not a person coming under the purview of the Service Code. The Chapter 5 of the Service Code prescribes the procedure for recruitment, probation, confirmation and promotion of employees. But those provisions are not applicable to Nithya Nidhi Agents. Sri. Mohandas will not come under the definition of workman. The definition of workman would be applicable only in cases where a relationship of master and servant is existed or established. The Nithya Nidhi Agent does not come under the I.D. Act, 1947. The bank did not suspend Sri Mohandas. But the Bank has only suspended the contract of agency. The bank decided that Sri. Mohandas should not be permitted to function as an agent of the Bank and accordingly terminated the agency. Hence the management requested for the dismissal of the claim put forward by Sri. V. Mohandas.

4. The management categorically contended that the present reference is incompetent as the Nithya Nidhi Agent Sri. V. Mohandas will not come under the definition of workman. It is further contended that this Court has no jurisdiction to decide the dispute under the Industrial Disputes Act, as Nithya Nidhi Agent is not a workman coming under the purview of the I.D. Act. The definite case of the management is that there is no relationship of master and servant or employer and employee between the management bank and Sri. V. Mohandas. But there is only a principal and agent relationship between them. On the other hand, Sri. V. Mohandas would contend that he is an employee of the management bank and thereby will come under the definition of workman as defined in the I.D. Act. So, this court pleased to consider the said point as a preliminary issue i.e. "Whether Sri V. Mohandas is a workman coming under the purview of the Industrial Disputes Act."

5. The evidence in this case consists of the oral testimony of WW1 and MW1 and Exts. W1 and M1 to M14.

6. The Point.—The workman herein Sri. V. Mohandas was engaged by the bank as per the agreement dated 8-4-1970. Ext. M1 is the said agreement executed between the management bank and Sri V. Mohandas. The execution of Ext. M1 agreement is admitted by Sri. V. Mohandas. The recitals in Ext. M1 agreement would show that Sri V. Mohandas was engaged as an agent of the bank under the Nithya Nidhi Agency. Sri V. Mohandas is described as an agent. The said agreement was executed by Sri. V. Mohandas as an agent with surety, Sri. K. Venkata Rao. A perusal of Ext. M1 agreement would show that the relationship between the Bank and Sri V. Mohandas was that of a principal and agent. He was appointed as a Nithya Nidhi Agent for canvassing Nithya Nidhi Depositors and to collect the Nithya Nidhi deposit amounts from the Nithya Nidhi Deposit holders. This would show that the Agent has to collect amounts from the depositors and remit the

amounts collected by him on the previous day. It may be noted that he can deposit the said amounts in the bank at any time before the close of the banking hours. It is also stipulated that he has to submit the statements of accounts regarding the collections and to deliver to the bank the counterfoils of the deposit receipts. A reading of Ext. M1 agreement would not show that there was no employer-employee relationship between the bank and Sri V. Mohandas. On the other hand it would show that the Nithya Nidhi Agent was at liberty to do canvassing and collection of Nithya Nidhi deposits according to his convenience. There was no control for the bank over the agent regarding the hours of work, time of work or manner of the work to be performed by the agent. The agent is entitled to get only the commission as prescribed by the bank. It is to be noted that the agent will get the commission on specified rate and the amount of the commission depends upon the quantity of the deposit amounts collected by the agent. So the commissions will vary according to the amounts collected under the Nithya Nidhi Deposits Scheme. Ext. M1 agreement will not support the case of Sri. V. Mohandas but this agreement would strengthen the case of the management bank that Sri. V. Mohandas was only an agent and there was no employer-employee relationship between the bank and Sri V. Mohandas.

7. The workman herein was examined as WW1. He admitted the fact that he was working as a Nithya Nidhi Agent from 8-4-1970 by executing Ext. M1 agreement dated 8-4-1970. He categorically admitted that there was no test or interview before his engagement as a Nithya Nidhi Agent. He has no case that the service code of the management bank was made applicable to Nithya Nidhi Agents. Ext. M1 is the service code of the Canara Bank. Chapter 5 of M11 Service Code prescribes the mode of recruitment, probation, confirmation and promotion of employees. Age and qualification are prescribed for appointment in the management bank. There is also stipulation to under go test and interview before getting an appointment as an employee of the bank. But the workman herein has not undergone any such formalities and provisions contained in Chapter 5 of the Service Code.

8. WW1 has admitted that he never marked his attendance in the attendance Register maintained in the bank. But the employees of the bank have to mark their attendance in the register. It is also admitted that he never obtained any other benefits from the management bank. He was not given the Provident Fund facilities, leave facilities, leave travel concessions, bonus which are available to the employees of the bank. Ext. M14 is the Acquittance Register of the management bank. The name of Sri V. Mohandas is not included in the Acquittance Register. Ext. M12 and M13 are the statements regarding the payment of bonus to the employees of the management bank. But in these statements the name of Sri. V. Mohandas is not included. Thus it can very safely be concluded that Sri. V. Mohandas was not governed by the Service Code of the management bank. There are provisions regarding leave facilities for the employees of the management bank. But Sri. V. Mohandas was not getting any of the leave benefits. Likewise the service code applicable to the employees

of the management bank prescribes the salaries, emoluments and other payments to be given to the employees. But the said provisions are not made applicable as a Nithya Nidhi Agent like Sri V. Mohandas.

9. The case of WW1 that he has to come to the office at 10.00 a.m. on all the working days cannot be accepted without any supporting evidence. On the other hand the recitals in Ext. M1 agreement would show that the Nithya Nidhi Agent needs only come to the bank for depositing the collections, at any time on the working day. The then Branch Manager of the bank has deposed that the agent used to spend about 15 minutes time to make the deposit and submit the statement of accounts regarding collections. It is come out in evidence that the Nithya Nidhi Agents need only submit the daily collection statements and to deposit the collections in the bank. It is also come out in evidence that there is no stipulation to prepare statement of accounts of the bank itself. But on the other hand the agent can very well prepare the statement of accounts regarding the collections in the printed form, at any place of his convenience. He can deposit the collections with the prepared statement of accounts. The mere fact that the concerned officer of the bank has to verify the said statement of accounts cannot be taken as a ground to hold that the management has got control over the agent regarding the manner in which the work is to be performed by the agent. Thus the evidence on record would show that Sri V. Mohandas as a Nithya Nidhi agent had the liberty to perform his work of canvassing and collection of Nithya Nidhi deposits at his convenience and pleasure. There was no limit for the amount to be collected under the Nithya Nidhi deposit scheme. He was at liberty to do the canvassing and collection work at any time and on any day. He could do the canvassing and collection work during night or on holidays. It is also established that Nithya Nidhi Agent is at liberty to adopt his own method and tactics in canvassing the depositors. The management had no control over the agent regarding the manner in which the canvassing and collection work to be performed.

10. Another important aspect to be noted at this juncture is the right and authority of the agent to get the canvassing and collection work done by engaging any other person of his choice. Thus the agent was at liberty to depute any other person of his choice to do his work as an agent. This right conferred on the Nithya Nidhi Agent is characteristic of an agency contract. An employee of the management bank has no authority or right to depute any other person of his choice to do his work at the bank. Thus it is crystal clear that Sri V. Mohandas was not an employee of the management bank. There was no master and servant relationship between the bank and Sri V. Mohandas. But the facts, circumstance and evidence of this case would show that Sri V. Mohandas was only an agent of the management bank and the relationship between them can only be treated as that of a principal and agent. There was no service contract between the bank and Sri V. Mohandas. The Bank never treated Sri V. Mohandas as their employee. They never intended

to treat Sri V. Mohandas as an employee of the bank. Likewise Sri V. Mohandas never treated himself as an employee of the bank, while accepting and acting as a Nithya Nidhi agent of the bank.

11. The learned counsel for the management bank has drawn my attention to the ruling of the Hon'ble Supreme Court of India in Sankar Balaji Waji, appellant Vs. The State of Maharashtra, Respondent (AIR 1962 Supreme Court 517). The facts of that case that one person was engaged for rolling Bidis at his home. He was provided with the materials for rolling Bidis by the owner. He was paid his wages according to the number of Bidis rolled by him. The owner prescribed the nature of the work. But he had no control over the worker regarding the manner in which the work is to be performed by the worker. The worker claimed to be workman under the owner. But that was opposed by the owner. There was no contract of service between the worker and the owner, that the worker was not bound to attend the factory for the work for any fixed hours of work or for any fixed period, that the worker was free to go to the factory at any time he liked and was free to leave the factory whenever he liked, that he could be absent from work on any day he liked, that there was no actual supervision of work performed by the worker, that he was paid at fixed rates on the quantity of Bidis rolled, that there was no stipulation about the quantity of the work to be done in a day, that he was not bound to do the work at the factory. From the above circumstances the Supreme Court held that the worker could not be said to be employed by the owner and so, was not a worker. It is further held that there was no employer-employee relationship existed between the said worker and the owner since there was no control of the management over the worker, that the elements of relationship of master and servant is not existed. The facts of the present case on my hand would show the balance to that of the reported case. So the principle laid down by the Supreme Court in the above said reported case can also be made applicable in the present case.

12. The learned counsel for the management has relied on the decision in "the Management of M/s. Puri Urban Cooperative Bank Vs. Madhusudan Sahu and Another (Reported in JT 1992(3) S.C 290)". In the above said case the worker was engaged as appraiser of the bank, to weigh and test gold at a commission basis. The Hon'ble Supreme Court observed "It stands established that industrial law revolves on the axis of master and servant relationship and by a catena of precedents it stands established that the prima facie test or relationship of master and servant is the existence of the right in the master to supervise and control the work done by the servant (the measure of supervision and control apart) not only in the matter directing what work the servant is to do but also the matter in which he shall do his work". In the present case on hand the Nithya Nidhi Agent performed his duty as canvassing and collecting agent at his convenience and pleasure. The management had no right to supervise and control the work done by the Nithya Nidhi Agent. He has also got the liberty to adopt his own way and manner of performing his work as a Nithya Nidhi

Agent. It is come out in evidence that the bank has no control over the agent regarding the manner in which the agent shall do his work. The Supreme Court has held that Gold Appraiser is not a workman coming under the I.D. Act, as the bank has no right to supervise and control the work done by a gold appraiser. If that be so, the Nithya Nidhi Agent will also not come under the definition of workman as defined in I.D. Act. There is no master and servant relationship in existence between the bank and Sri V. Mohandas.

13. The learned counsel for the management bank relied on the decision of our Hon'ble High Court in O.P. No. 1030/80E "Sri George M. Marickan Vs. The New India Assurance Company Ltd., Ernakulam and 2 others" (1982 KLT S. N. 44 Page 28). In the above said case the worker was a canvassing agent of the New India Assurance Company. The Hon'ble High Court has held that the canvassing agent of the Insurance company will not come under the definition of workman. It is further held that the performance of some clerical work by the canvassing agent is not sufficient to include him in the definition of workman. In the case of Nithya Nidhi Agent also he has to do some clerical work i.e. preparation statement of accounts and counterfoil receipts etc. But those works can only be treated as incidental to his main work as a canvassing agent.

14. The management bank has also relied on the Banking Regulation Act, 1949. The section 10 of the said Act prohibits employment of any person whose remuneration of part of whose remuneration taken the form of commission or of a share on the profits of the company. It is an admitted fact that the Nithya Nidhi Agent Sri. V. Mohandas was getting commission at the rate of 2 per cent on the amounts collected by him under the Nithya Nidhi deposits scheme. If that be so, under section 10 of the Banking Regulation Act, 1949, the Nithya Nidhi Agent is not entitled to get employment in the service of the bank. Another important aspect to be considered at this juncture is regarding the method to be adopted in case of retrenchment of Nithya Nidhi Agent. The case of Sri. V. Mohandas that he is a workman coming under the definition of I.D. Act is taken as correct, then in case of retrenchment he must be paid retrenchment compensation under Section 25F of the I.D. Act. Under the provisions of Sec. 25F notice in writing or notice pay has to be given. Then he is also entitled to retrenchment compensation equivalent to 15 days average pay for every completed years of continuous service or any part thereof excess of six months. So in that event, how the retrenchment compensation to be paid to a Nithya Nidhi Agent will be calculated? It is an admitted fact that there is no fixed rate of wages. But the commission of a Nithya Nidhi Agent will vary from time to time. The Commission to be paid to the Nithya Nidhi Agent depends upon the amount collected by him under the Nithya Nidhi deposits scheme. It will be very difficult, if not impossible, to comply with the provisions of the section 25F of the I.D. Act. Thus in all respects the case of Sri. V. Mohandas that he would come under the definitions of the I.D. Act cannot be accepted. Hence I hold that Nithya Nidhi Agent is not a workman coming under the purview of the Industrial Disputes Act, 1947. The issue is answered accordingly.

15. The findings on the primary issue would show that the provisions of the Industrial Dispute Act cannot be made applicable to Sri. V. Mohandas, Nithya Nidhi Agent. If that be so, the present reference under Section 10(1) of the I.D. Act is not maintainable. Hence, I hold that the reference is bad in law. It is dismissed. An award is passed accordingly.

M. V. VISWANATHAN, Presiding Officer.

Ernakulam,
8-7-1993.

APPENDIX

Witness examined on the side of Management :

MW1. Sri K. V. Balakrishnan.

Witness examined on the side of Workman :

WW1. Sri. V. Mohandas.

Exhibits marked on the side of Management :

Ext. M1.—Agreement dated 8-4-90 executed between the Petitioner and the Bank.

Ext. M2.—Manual of Instructions of Canara Bank, Nithya Nidhi, Jenapriaya, Kisan & Balanidhi Deposits.

Ext. M3.—True copy of letter dated 24-12-1976 from the workman to the Management.

Ext. M4.—True copy of letter No. TDS : DFD 2714 dated 29-12-76.

Ext. M5.—True copy of application dated 5-1-77 under section H of Kerala Payment of Subsistence Allowance Act.

Ext. M6.—True copy of count statement filed by the Management for application dated 5-1-1977.

Ext. M7.—True copy of Rejoinder filed by the petitioner before the Dist. Labour Officer.

Ext. M8.—True Copy of order dated 29-9-77 of the Authority u/s 6 of Kerala Payment of Subsistence allowance Act.

Ext. M9.—True copy of Judgment in O.P. 604/78E.

Ext. M10.—True copy of judgement dated 1-8-84 in O.P. 4235/77D.

Ext. M11.—Service Code of Canara Bank.

Ext. M12.—True copy of Bonus paid register for the accounting year ending on 31-12-70.

Ext. M13.—True copy of Bonus paid register for the accounting year 31-12-1976.

Ext. M14.—True copy of Acquittance register for the month of April, 1970.

Exhibits marked on the side of Workman :

Ext. W1.—Letter dated 23-7-75 from the Management to workman.

नई दिल्ली, 6 अगस्त, 1993

का. प्रा. 1799.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, बैंक आफ बड़ोदा के प्रबन्धन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपद को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-8-93 को प्राप्त हुआ था।

[संख्या एल-12011/52/91-आई आर बी-2]

वो. के. वेणुगोपालन, डेस्क अधिकारी

New Delhi, the 6th August, 1993

S.O. 1799.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Bank of Baroda and their workmen, which was received by the Central Government on 4-8-1993.

[No. L-12011/52/91-IR B-II]

V. K. VENUGOPALAN, Desk Officer.

ANNEXURE

BEFORE SRI ARJAN DEV PRESIDING OFFICER
CENTRAL GOVERNMENT INDUSTRIAL TRI-
BUNAL-CUM-LABOUR COURT PANDU
NAGAR, KANPUR.

Industrial Dispute No. 70 of 1992

In the matter of dispute between—

General Secretary, Bank of Baroda Employees
Association, Through Bank of Baroda, M.
S. A. Extension Counter, Birhana Road,
Kanpur.

AND

Regional Manager, Bank of Baroda, 118/330,
Kaushalpuri, Gunti No. 5, Kanpur-208012.

AWARD

1. The Central Government, Ministry of Labour vide its notification No. L-12011/52/91-I.R. B-II, dated 29-4-1992, has referred the following dispute for adjudication to this Tribunal :—

“Whether the action of the management of Bank of Baroda in denying reimbursement of out of pocket expenses at the enhanced rate of Rs. 139/- to cash collectors posted at M.S. A. Cells of various branches of the Bank, or par with cash collectors posted at full-fledged M.S.A. Branches, is justified? Are the M.S.A. Cash Collectors transferable as ordinary clerks under the job rotation guidelines? If not, to what relief are the workmen entitled?”

2. In this case since 15-6-1992 till 2-7-1993 no statement of claim was filed on behalf of the Union despite availing of sufficient opportunities.

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3. It therefore appears to me that the Union is not interested in prosecuting the case any more. As such a no claim award is given against the Union.

4. Reference is decided accordingly.

ARJAN DEV, Presiding Officer.

नई दिल्ली, 6 अगस्त, 1993

का. प्रा. 1800.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, भारतीय जीवन बीमा निगम के प्रबन्धन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नं. 1, मुम्बई के पंचपद को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-8-93 को प्राप्त हुआ था।

[संख्या एल-17012/45/89-आई आर बी-2]

वो. के. वेणुगोपालन, डेस्क अधिकारी

New Delhi, the 6th August, 1993

S.O. 1800.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, No. 1, Bombay as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Life Insurance Corporation of India and their workmen, which was received by the Central Government on 5-8-1993.

[No. L-17012/45/89-IRB. II]

V. K. VENUGOPALAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT IN-
DUSTRIAL TRIBUNAL NO. 1, AT BOMBAY

PRESENT :

Shri Justice R. G. Sindhakar, Presiding Officer.

Reference No. CGIT-1/34 of 1990

PARTIES :

Employers in relation to the Management of Life
Insurance Corporation of India

AND

Their Workman

APPEARANCES :

For the Employer—Shri Dharwadkar, Advocate.

For the Workman—Shri Palkar, Joint Secretary.

INDUSTRY : Insurance STATE : Maharashtra
Bombay, dated the 15th day of July, 1993

AWARD

By order dated 24th May 1990, the following reference has been made to this Tribunal under Section 10(1)(d) of the Industrial Disputes Act, 1947, by the Government of India, Ministry of Labour, New Delhi.

“Whether the action of the Management of Life Insurance Corporation of India, in relation to its Ratnagiri Branch in not selecting Shri S. V. Pawaskar Asst. of Ratnagiri Branch for the post of cashier is justified? If not, to what relief the workman is entitled to?”

2. The Joint Secretary of the All India Life Insurance Corporation Employees' Federation, authorised, filed this Statement of Claim. It is stated therein that there was a vacancy of the post of a cashier in the Ratnagiri Branch under Satara Divisional Office of the Life Insurance Corporation of India (LIC), and notice was displayed on the office notice board at the Ratnagiri Branch. Four persons had applied and the aggrieved employee Shri Pawaskar was one of them. According to the statement of claim, the rules governing the selection of a cashier and the procedure for making selection were issued in the confidential circular dated 19-09-1977 by the Central Office of Life Insurance Corporation of India. A panel containing the names of the eligible employees applied for selection has to be prepared by allotting marks for seniority and qualification as laid down in the promotion Regulations 1976. Accordingly a panel was prepared of 4 employees who had applied for selection and the total marks scored by each one of them have been given in the statement of claim. Sri V.R. More topped the list having scored 12 marks and Sri Pawaskar was also placed next to More, he having also scored 22 marks. Shri Bhide scored 11 marks and he is the selected candidate. Shri Rajput scored 9 marks. The criteria for final selection has been given at item No. 4 lines 8 to 18. The employee scoring highest marks for the work record will be selected if he is found suitable for the post by the competent authority, at its discretion. Accordingly a list was prepared and Shri Bhide topped the list with 34 marks, Shri Rajput came second with 32.17 marks and Pawaskar ranked 3rd with 29.93 marks. It is stated further that, for making the final selection from this panel, it was necessary to take into consideration explanation and emphasis given on the lines 12 to 18 in Item No. 4 in the circular.

“If the first employee is not found suitable (viz. the employee scoring highest for Confidential Record is not found suitable) for any reason, the employee securing the next highest marks for work record will be considered for selection as Cashier Subject again to suitability. For this purpose the Candidate's background has to be screened and his ability to discharge the function and responsibilities as Cashier involving cash transactions has to be properly weighed.”

The concept of suitability for selection for the report of cashier has been explained in the criteria for selection.

(a) “If the first employee is not found suitable” suitability is deciding factor for selection

And is first employee on the second panel securing average highest marks for work record is not to be selected if not found suitable;

(b3) “...Suitability”....“for this purpose the candidate's background has to be screened and his ability to discharge the functions and responsibilities as Cashier involving cash transactions has to be properly weighed”. This means job knowledge about the functions and responsibilities as Cashier involving Cash Transactions and moreover the actual experience will be of utmost importance in deciding the suitability of the employee;

3. He further states that Shri Rajput had conveyed that he was not interested in the post and therefore only 3 remained in the panel i.e. Shri Bhide, Shri Pawaskar and Shri More. According to the statement of claim, Pawaskar is more suitable than Bhide, and Mr. Bhide is not even in the panel of employees working as officiating cashiers, because, he had not put in the requisite service of 5 years to his credit as against Mr. Pawaskar who had satisfactorily discharged the responsibilities as officiating cashier on several occasions during the 8 years period of his service, to the satisfaction of his superiors. The suitability therefore, was in favour of Shri Pawaskar. He, therefore, states that, the selection of Shri Bhide was not proper and justified and the non-selection of Shri Pawaskar was unjust and improper, and the prayer therefore, was that Shri Pawaskar should be selected as cashier from the date of selection of Shri Bhide to that post.

4. Opposing this claim, written statement has been filed on behalf of the management. The criteria laid down for selection has been mentioned in the written statement and it is the same as relied upon by the employee, in the statement of claim.

5. The management contended that after allotting marks for the work record, Mr. Bhide was found more suitable by the competent authority, and therefore he came to be selected.

6. The dispute raised on behalf of the employee is in a very compass. Only four persons applied for the post of cashier, and a panel of these four persons was formed, and they were allotted marks on the basis of their service, and qualifications as contemplated by the criteria for promotion/selection laid down by the regulation of 1977. In this panel, prepared on the basis of service and qualification, Shri Pawaskar was number 2 and Shri Bhide was No. 3. Thereafter, marks for work record were given, that was based on the average of past three years' work record. In that panel, Mr. Bhide topped the list with 34 marks, Mr. Rajput came second, with 32.17 marks and Pawaskar's number was 3rd, he having scored 29.93 marks. Now as per the procedure laid down the person scoring highest marks is to be selected by the competent authority, provided he was considered suitable by the competent authority in its discretion. So far as Shri Bhide, who topped the list is concerned, he was found suitable, and therefore came to be selected. Now the contention of the management is that, the competent authority found the top scorer Mr. Bhide suitable and

that suitability was on the basis of the recommendation of the Branch Manager under whom all the four empanelled workmen including Shri Bhide and Shri Pawaskar worked. He therefore, came to be selected for the post of cashier by the management.

7. Shri Pawaskar has produced a document at Exhibit-1, that he is empanelled to officiate as cashier and was No. 1, in that list, while, Shri Bhide was not empanelled. He has also produced certificates to show that he had officiated as cashier on several occasions and Bhide has no such experience, and he was found to be good by the Branch Manager. The management does not dispute any of these contentions in the written statement stating that the management has nothing against the workman and his non selection to the post does not in any way reflect upon his ability or suitability for promotion to higher posts in accordance with the rules and regulations. It has been stated further that he has since been selected to the post of higher grade assistant. However, the management mentioned that the criteria laid down for promotion of employees nowhere provided for the selection of the very suitable and very deserving candidate out of the panel. It is seen that as per the mark record, according to the ranking, Shri Bhide topped the list on the basis of marks for the work record, and he was found suitable and for that reason, the appointing authority on the basis of the recommendation of the Branch Manager who had the advantage of seeing the work of not only Shri Bhide, but all the four candidates in the panel, found Shri Bhide suitable. In the circumstances I find that the grievance made by Shri Pawaskar about his non selection in preference to Shri Bhide is difficult

to entertain. Once the top scorer was found suitable, he had to be appointed and question of going down below did not arise.

8. It is further contended that Shri Pawaskar was in the panel of employees eligible to officiate as cashier and Shri Bhide was not. However, since Shri Bhide had not put in the requisite number of years of service, he could not avail the opportunity which was available to Shri Pawaskar by virtue of his name on the panel. Therefore, in my opinion, this cannot be a good ground for making a grievance.

9. It was contended that for deciding the suitability, the background of the candidates has to be screened, and his ability to discharge the responsibilities including cash transactions has to be properly weighed. True it is, that this is a test of suitability. But since the Branch Manager under whom the workman had to work found him suitable and therefore came to be selected. It is not true that for deciding suitability the only criterion can be actual experience of working as cashier. Ability to discharge the responsibilities as a cashier is to be examined. Besides this, the decision has to be taken by the competent authority in its discretion, and there is nothing to show that it has not been properly exercised. In the circumstances, I find that the grievance about the selection to Shri Bhide and non-selection of Shri Pawaskar was not justified cannot be accepted. It can be stated that Shri Bhide came to be elected. Because, he was found suitable on the basis of his work record.

R. G. SINDHAKAR, Presiding Officer

